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January 20, 2010

**Elections Commission Meeting
Wednesday, January 20, 2010
At 6:00 pm
City Hall Room 408**

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Order of Business

1. **Call to Order & Roll Call**
2. **Public comment on any issue within the Elections Commission's general jurisdiction**
3. **Announcements**
4. **APPROVAL OF MINUTES**
 - (a) **Discussion and possible action to approve the Minutes of the December 16, 2009 Elections Commission Meeting.**

Director's Report

Division Updates

Division Updates	
• Ballot Distribution	• Poll Locating/ADA
• Budget/Personnel	• Poll Worker Division
• Campaign Services	• Technology Division
• Outreach	• Voter Services
• Publications	•

6. Commissioners' Reports

- ? Meetings with public officials
- ? Oversight and Observation activities
- ? Long-range planning for Commission activities and areas of study

7. Old Business

- (a) **Discussion and possible action to amend the Elections Commission's bylaws as regards the Commission's annual report (the "Report") to conform the period to be covered by the Report to the Commission's practice of a calendar year report and to revise the timing for preparation of the Report by the Commission President and approval of the report by the Commission all as set forth on Attachment A to this Agenda, and to authorize the Commission Secretary to prepare an amended and restated Commission bylaws to reflect the current state and content of the Commission's bylaws.**

8. New Business

- (a) **Discussion and possible action regarding the Voter Outreach Report that was presented at the December 16, 2009 Elections Commission meeting. (President Phair)**

- (b) **Discussion and possible action regarding the DRAFT Elections Commission Annual Report for 2009. (President Phair)**

- (c) **Discussion and possible action regarding the review of the howsfvotes.com website's precinct mapping and suggestions regarding openness and community innovation with election data.**

(Commissioner Turner)

- (d) **Discussion and possible action to elect Officers of the San Francisco Elections Commission.** The process shall be as follows: The current president will open nominations first for the office of president of the Elections Commission. When there are no further nominations, the president will close nominations. Public comment will then be sought. At the conclusion of public comment, there will be a roll call vote of all commissioners during which each commissioner shall say then name of a nominee for whom he or she wishes to vote. Any nominee receiving four votes shall be elected president. The same process will then be followed for the office of vice president. The terms of office for the new officers begin immediately at the conclusion of tonight's meeting. (Elec. Comm. Bylaws, Art. V, Sec. 1(B).)

9. Discussion regarding items for future agendas**Adjournment**

Commission Meeting Information Packet

Disability Access

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Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE, DONNA HALL, CLERK, CITY HALL, ROOM 409, 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4683 AT PHONE NO.: (415) 554-7724; FAX NO.: (415) 554-7854; E-MAIL: DONNA_HALL@CI.SF.CA.US. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

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January 20, 2010

City and County of San Francisco
Elections Commission
Approved: February 17, 2010
Minutes of the Meeting at City Hall Room 408
January 20, 2010

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1. President Joseph Pair called the meeting to order
at 6:11 pm.

1. **ROLL CALL. PRESENT.** Commissioners Rosabella Safont, Gerard Gleason, Joseph Phair, Winnie Yu, Derek Turner, Arnold Townsend (arrived at 6:18 pm), Deputy City Attorney Andrew Shen, and Director of Elections John Arntz. **EXCUSED.** Commissioner Richard P. Matthews.

1. **Announcements.** President Phair announced that City Attorney Dennis Herrera has reappointed Richard Matthews to a new five year term on the Elections Commission.

1. **Discussion and possible action to approve the minutes of the December 16, 2009 Elections Commission Meeting.** Commissioner Safont **MOVED** and Commissioner Turner **SECONDED** this item.

The Roll Call Vote was **UNANIMOUS** to approve the minutes.

5. **Director's Report**

Division Updates:

Ballot Distribution is inventorying and organizing materials at Brooks Hall and at the warehouse. Staff is preparing the initial ballot order for the June election, updating the vote by mail envelopes, obtaining quotes from vendors, preparing street closure requests, examining the ballot security plan and organizing memory pack pick up routes for the November election since the number of polling places will increase for that election from 407 to 561.

Budget and Personnel has, along with the Director, produced the first draft budget for the upcoming fiscal year which has been presented to the Commission. The total is now \$9.2 M which represents the Mayor's Office's mandated 10% reduction in costs. There will be two school district elections in November, but that revenue is not shown yet in the draft, but will be added once information from the School District is received. Other items which are not yet shown are: Work orders with other agencies who assist in the elections, and reductions for temporary

salaries, materials and supplies. The division has been looking at its processes and believes it will be able to meet the 10% cut.

Campaign Services Division is handling the Petition to Recall Supervisor Sophie Maxwell of District 10. The suggested deadline to begin review of the petition signatures is January 25, 2010. Staff has held a workshop to answer questions from candidates regarding the Judicial Offices for the Superior Court. At this time, there are 40 candidates who have filed for the primary election in June, and staff is working already on the November election which so far has 54 candidates for supervisor who have taken out papers to run.

Outreach Division has been working on the next newsletter, and a brochure that describes the accessible services of the DoE. Staff is beginning its work to create public service announcements for the June and November elections.

Publications Division is determining where they can be more efficient, such as building templates, and an in depth review of changes in the developments of typesetting and printing the information that goes into the voter guide, especially what goes into the primary election because it will be a very large book with ballot types and party information.

Poll Locating and ADA Division is working to find 157 more polling locations in time for the June election. We had fewer sites for the last two elections because state law allowed us to consolidate them. Staff is also checking if previous sites have increased voters above the 1,000 registered voters limit set by law. If so, those precincts must be split into two.

Pollworker Division. The SoS (Secretary of State) has issued pollworker training guidelines which may have changes that the Division may need to incorporate in its training and pollworker manual.

Technology Division is conducting extensive database changes. Staff is implementing a database for the warehouse to centralize tracking procedures. In addition, the Division is working for a database for the Outreach Division and one for logic and accuracy.

Voter Services Division is currently heavily involved in the upkeep of voting registration information which involves purging the names of voters who have not voted in the last two federal elections (since the year 2004), and haven't changed their address or party affiliation. The DoE will ask these voters, by mail, if their information is current, and if there is no reply or if the post office returns the letter, that voter will be removed from the rolls. Staff is checking voters rolls against the deceased persons list the Division gets from the state.

Director Arntz advised that he has notified President Phair regarding the change in the campaign finance ordinance that affects how notices related to campaign expenditure ceilings are provided to the public. The Director said that it was not the Municipal Elections Code that was changed, it was a change within the Campaign Finance Reform Ordinance. In the past, there was an indication of which candidates accepted or rejected the expenditure ceiling inside the VIP (Voter Information Pamphlet). This will no longer be the case. It will, however, be posted on the Ethics Commission's website.

Commissioner Gleason mentioned that campaign finance reporting was the subject of a recent newspaper clipping forwarded to the Commissioners by the Commission Secretary. Commissioner Gleason said that he did not want the Commission to find out about these concerns after the fact, through the newspaper rather than through the Department. The Commission needs to get information on legislation that impacts the City's elections in a more timely way. This item should be addressed at a future meeting.

President Phair asked the Director to let the Commission know when such legislation occurs.

Deputy City Attorney Andrew Shen said that, on behalf of the City Attorney's Office, his office would do its best to keep the Commission updated regarding changes in legislation that may effect the operation of the Department, especially since the City Attorney's Office often helps to prepare such legislation. Mr. Shen said his department will be more vigilant in the future.

6. Old Business

1. **Discussion and possible action to amend the Elections Commission's bylaws as regards the Commission's annual report (the "Report") to conform the period to be covered by the Report to the Commission's practice of a calendar year report and to revise the timing for preparation of the Report by the Commission President and approval of the report by the Commission all as set forth on Attachment A to this Agenda, and to authorize the Commission Secretary to prepare an amended and restated Commission bylaws to reflect the current state and content of the Commission's bylaws.** Commissioner Turner MOVED and Commissioner Gleason SECONDED this item for discussion.

The Roll Call Vote was UNANIMOUS to approve the amendment of the Elections Commission Bylaws.

7. New Business

- (a) **Discussion and possible action regarding the Voter Outreach Report that was presented at the December 16, 2009 Elections Commission meeting.** (President Phair) President Phair reminded the members that this report was not circulated prior to the start of the December 16th meeting and that he asked the Commission to review it and be prepared to discuss it at this meeting.

Director Arntz added that the turnout by district would be provided to Commissioner Yu, per her request and that there is a table that shows the events by supervisorial district. He asked the Commissioners if they had other suggestions that could be used to make the report more comprehensive.

Commissioner Safont said that she was pleasantly surprised to have a representative from the DoE come into her non-profit office with voting information and ask if she knew of other community based offices that could use voting information.

Commissioner Yu said that she thought that the tables could be put in a consolidated one page form or matrix that could be used to track performances over several elections. She added that a table showing how the budget effects outreach could be included. This would help the Commission and the Department to advocate for these needs.

Commissioner Townsend said that he would like to see the Commission be more actively involved in outreach.

Commissioner Turner said that before he became a member of the Commission, he would have never guessed that the Department's outreach was as extensive as it is. He agreed that a matrix comparing elections, season to season, would be very useful in measuring success.

(b) Discussion and possible action regarding the DRAFT Elections Commission Annual Report for 2009. (President Phair)

President Phair and Commissioners Turner and Safont offered minor typographical corrections to the report. Commissioner Turner MOVED and Commissioner Safont SECONDED adoption of the Annual Report with corrections.

The Roll Call Vote was UNANIMOUS to approve the draft Commission Annual Report for 2009.

(c) Discussion and possible action regarding the review of the howsfvotes.com website's precinct mapping and suggestions regarding openness and community innovation with election data. (Commissioner Turner)

Commissioner Turner explained that this website takes the statement of the vote and color maps the results to the precinct level and turnout. He asked if there was any feedback regarding how the Commission and Department could support these kinds of efforts particularly when, in this case, the creator of the website is hampered by how quickly the information is made available.

Director Arntz said that the current system that the City uses does not by default provide real-time information on a precinct level. He said that he thinks the DoE can get close to near real time election results with perhaps a 15 minute delay. Aggregate totals may be possible for the June election with the totals for the candidates and measures. The precinct breakdowns can be available within a week of an election.

Commissioner Townsend asked Commissioner Turner the name of the person responsible for the sfvote website. Commissioner Turner answered that he thinks the website is an important service to voters and the name of the person responsible is Jesse Costello Goode, a software developer who does the website as a hobby.

(d) Discussion and possible action to elect Officers of the San Francisco Elections Commission. The process shall be as follows: The current president will open nominations first for the office of president of the Elections Commission. When there are no further nominations, the president will close nominations. Public comment will then be sought. At the conclusion of public comment, there will be a roll call vote of all commissioners during which each commissioner shall say then name of a nominee for whom he or she wishes to vote. Any nominee receiving four votes shall be elected president. The same process will then be followed for the office of vice president. The terms of office for the new officers begin immediately at the conclusion of tonight's meeting. (Elec. Comm. Bylaws, Art. V, Sec. 1(B).)

President Phair opened the floor for nominations for the office of President. Commissioner Gleason nominated Commissioner Phair and Commissioner Townsend SECONDED the nomination. There were no further nominations for President. The Roll Call Vote to elect Joseph B. Phair to the office of President of the Elections Commission for a second term was UNANIMOUS.

President Phair opened the floor for nominations for the office of Vice President. Commissioner Safont nominated Commissioner Winnie Yu and Commissioner Phair SECONDED the nomination. There were no further nominations for Vice President. The Roll Call Vote to elect Winnie Yu to the office of Vice President of the Elections Commission was UNANIMOUS.

Commissioner Safont thanked President Phair and said that it had been a pleasure working with him last year as his Vice President, and wished the best to the new Vice President, Commissioner Yu, in the coming year.

1. Discussion regarding items for future agendas

Commissioner Gleason said that he would provide better wording regarding how the Commission is to be apprised of information and legislation that may effect elections in the future.

Adjournment at 7:03 pm.

February 17, 2010

**Elections Commission Meeting
Wednesday, February 17, 2010
At 6:00 pm
City Hall Room 408**

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Order of Business

1. **Roll Call**
2. **Public comment on any issue within the Elections Commission's general jurisdiction**
3. **Announcements**
4. **APPROVAL OF MINUTES**
 - (a) **Discussion and possible action to approve the Minutes of the January 20, 2010 Elections Commission Meeting.**
5. **Director's Report**
 - Division Updates

Division Updates	
Ballot Distribution	Poll Locating/ADA
Budget/Personnel	Poll Worker Division
Campaign Services	Technology Division
Outreach	Voter Services
Publications	

6. **Commissioners' Reports**
 - ? Meetings with public officials
 - ? Oversight and Observation activities
 - ? Long-range planning for Commission activities and areas of study
7. **Report from the President regarding his meeting with the Mayor and other Commission Presidents regarding the budget.**

8. **Report from the Budget and Oversight of Public Elections Committee Meeting.** (Chairperson Matthews)

9. **Old Business**

(a) **Report regarding a review of the performance of the DRE (Direct Recording Equipment) used during the November 3, 2009 General Municipal Election.** (Commissioner Matthews)

(b) **Update regarding action on the Elections Commission's resolution on voter profile information, approved at the Commission's November 18, 2009 meeting and sent to the State Legislation Committee for the City & County of San Francisco. Discussion and possible action.**

(Commissioner Gleason)

10. **New Business**

(a) **Discussion and possible action regarding process for the Commission to be made aware of pending legislation that impacts the City's elections.** (Commissioner Gleason)

(b) **Director report and briefing, and discussion and possible action by the Commission, regarding Department of Elections and election-related functions historically (over the past three years) performed by the Department of Elections which are now contracted to outside vendors or being considered for contracting to outside vendors.** (Commissioner Matthews)

11. **CLOSED SESSION**

(a) Discussion and possible action regarding whether to hold closed session for attorney-client communication on matters of pending litigation, held pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance Section 67.10(d)

(b) Closed Session for attorney-client communication regarding *Dudum et al. v. Arntz et al.*, Northern District of California, case No. C 10-00504 SI (filed February 4, 2010). Discussion and possible action.

12. **Discussion and vote regarding closed session deliberations or actions.**

(a) Discussion and vote pursuant to Brown Act section 54957.1 and Sunshine Ordinance section 67.12 on whether to disclose any closed session deliberations or actions regarding *Dudum et al. v. Arntz et al.*, Northern District of California, case No. C 10-00504 SI (filed February 4, 2010).

MOTION: The Elections Commission finds that it is in the best interests of the public (not) to disclose its closed session deliberations or actions regarding *Dudum et al. v. Arntz et al.*, Northern District of California, case No. C 10-00504 SI (filed February 4, 2010).

13. **Discussion regarding items for future agendas**

Adjournment

Information Packet for this meeting

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February 17, 2010

City and County of San Francisco
Elections Commission
Approved: March 17, 2010
Minutes of the Meeting at City Hall Room 408
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1. President Joseph Pair called the meeting to order
at 6:03 pm.

1. **ROLL CALL. PRESENT.** Commissioners Rosabella Safont, Gerard Gleason, Joseph Phair, Winnie Yu (arrived at 6:05), Derek Turner, Arnold Townsend, Richard P. Matthews, Deputy City Attorney Mollie Lee, and Director of Elections John Arntz.

1. **Announcements.** President Phair announced that he has re-established the membership of the Budget and Oversight of Public Elections Committee (BOPEC) to include Commissioner Richard P. Matthews as chairperson, and Commissioners Gerard Gleason and Derek Turner. President Phair reminded all Commissioners that they are welcome to attend the BOPEC meetings but are not allowed to participate.

Commissioner Matthews announced that he had been notified by Roger Donaldson, chair of the Voting Systems Task Force, that the Task Force is requesting public comment on their recommendations. Commissioner Matthews sent a link to those recommendations to the Commission Secretary who will forward it to all Commissioners. For the purpose of these minutes, that link is http://www.sfgov.org/site/vstf_index.asp.

President Phair noted that he requested the Commission Secretary to prepare information regarding Commissioner filing and training obligations and due dates. That information has been distributed to all members at this meeting. He reminded members that the Ethics Training is every other year, and the SEI or Form 700 and the Sunshine Ordinance Training are annually.

1. **Discussion and possible action to approve the minutes of the January 20, 2010 Elections Commission Meeting.** Commissioner Matthews MOVED and Commissioner Safont SECONDED this item.

The Roll Call Vote was UNANIMOUS to approve the minutes.

5. **Director's Report**

Division Updates:

Ballot Distribution has learned that there will be a Health Services Board Election in May with four candidates. Preparations for this are under way, as well as for the June election. Part of this preparation involves routes for the Sheriffs to pick up ballots, working with vendors regarding the vote-by-mail ballots, parking and budgeting for the next fiscal year.

Budget and Personnel, working with the Director, presented the budget that will be forwarded to the Mayor's office. This budget is essentially the same and the one presented in January, but has fine tuning accomplished after quotes from vendors and further input from managers. The biggest change has been the work orders which have been dropped by \$1.2 million since the last meeting. Currently the Department has a \$110,000 deficit with work orders going out to other City departments, but previously it was \$700,000. This has been lowered because the DoE was reimbursed for the elections run for BART, Community College District, Retirement Board, and SF School District.

The DoE needs to defund unfilled positions in this budget cycle. There has been a drop in the temporary salaries as well. The Director said that his primary goal is to not incur any layoffs. His staff is knowledgeable and has the experience of many elections. The next fiscal year's budget will have three elections, November, February and June and will be a challenge because this will require 25% more funding when considering the Mayor's requirement that Departments reduce ongoing budgets by 10%.

This budget has been seen by the Mayor's Budget Office and now goes to the Controller's Office. The next big step is when it goes to the Board of Supervisors and the Board's Budget Analyst.

President Phair asked Deputy City Attorney when the Commission needs to approve the budget. Deputy City Attorney Lee said that she would check and notify the Commission.

Commissioner Matthews congratulated and thanked the Director for finding the new cuts in an already cut-to-the-bone budget.

Campaign Services Division yesterday began handling nominations for all offices. The Division held a ballot argument workshop for all legislative aides in City Hall. There will be two Superior Court seats (6 and 15) on the ballot, and if no majority is reached in June, there will be a runoff in November. There are sixty candidates, who have taken out declarations of intent, for the Board of Supervisors. A petition to recall one of the Supervisors failed because it didn't meet the requirement for the number of valid signatures.

Outreach Division has been working on its plan for the June election, and has begun developing an accessible voting brochure. The brochure is funded by HAVA funds from the state. Currently, the front counter at the Department is not easily accessible, and finally the Department is able to go forward with its plan to make a section of that counter HAVA compliant.

Poll Locating and ADA Division is sending out availability letters to determine if past sites will be available for the June election. At the last election, we needed 409 polling locations, in June we will need at least 561. The return of the availability letters will be very important. The division will be seeking recertification for the state's accessibility requirements for polling locations in mid-March.

Pollworker Division is assembling its pollworker assignment plan based on language assistance at polling sites and other factors. Staff is putting together the Pollworker Manual and materials to assist with the primary in June. The Division's availability letters to past workers will be sent next month. High School's are being contacted

for volunteers for the June election, but this is difficult because students have finals and/or plan to go on vacations.

Technology Division is putting together several databases including the logic and accuracy base, warehouse data base for tracking of materials and the VoteCal base which is a statewide database of all registered voters.

Voter Services Division mailed out its "Declined to State" postcards to the 51,000 permanent vote-by-mail precinct voters yesterday. The card states that the voter is a non-partisan voter for this election and can vote any party. Recently the staff had been occupied with checking the validity of the signatures on the recent recall petitions. Voter file maintenance is always ongoing in the Division.

Commissioner Gleason commended the Department and Director on the "Election Connection Newsletter" for its thorough, concise and easily understood explanation of the Census and its importance to elections. He said that the letter from the Director that appears in the front of the Voter Information Pamphlet (VIP) regarding the open modified primary was, to him, better than the explanation offered by the Secretary of State's Office (SoS). Commissioner Gleason said that the information is so well explained that it should also be on the Department's website. Director Arntz thanked the Commissioner and said that the information would be in the VIP, in the pollworker manual, and available for the phone bank.

6. Commissioner's Reports

Commissioner Townsend reported that he had numerous calls regarding the failed recall, but people were convinced of the results and that the Department had thoroughly checked for the validity of voters signatures, especially after receiving Director Arntz's letter which very clearly explained the procedures that led to the rejected petition.

1. President Phair reported that the meeting, called by the Mayor, highlighted what had already been in the papers regarding the significant revenue weakness these past two years. Highlights were labor and retirement expenses of over \$100M, loss of federal stimulus/rainy day funds from the previous year, property taxes in the commercial areas are down, payroll taxes down due to less employment. The total revenue shortfall projected for 2011 is \$290.7 M. Expenditures are expected to increase and result in a net deficit of between \$522.2 and \$542.2 million dollars. The reason for the span is not knowing what the increase in the costs will be.

Adding to this, the Mayor doesn't know how much the state will be asking from the City. It could be as much as \$100 M.

The Mayor proposed cuts of 20% in the budgets of all departments and the general fund. The reductions from last year still haven't been implemented because the Board of Supervisors has not acted on them, which exacerbates the problem.

Commissioners Townsend, Matthews and Phair said that they were disappointed that the SFMTA was taking away the free parking, which is no cost to the City, for Commissioners who volunteer their time for the City.

1. (Chairperson Matthews)

Commissioner Matthews reported that Deputy Director Nataliya Kuzina represented the Director at the meeting and pointed out that the draft presented to the Commission in January was \$10.5 M and this amount was before the recovery of \$720,000 from running the elections for other City departments.

9. Old Business

(a) Report regarding a review of the performance of the DRE (Direct Recording Equipment) used during the November 3, 2009 General Municipal Election. (Commissioner Matthews)

Commissioner Matthews explained that he has hit a road block in his research and asked if the Director could assist him with locating how many precinct votes there were on any given election day (distinguished from vote-by-mail or early voting). The Director said that the information could be pulled from the website under "archive" and the information would be there for election day, not the votes the Commissioner wants to avoid. Commissioner Matthews said that he would check the site again, and apologized for not having his report completed for this meeting. It will be presented at the March meeting.

President Phair asked if the Commissioner had so far found any issue or problems with the DRE's functions.

Commissioner Matthews said he hadn't but that we're trying to balance two different concerns: Full accessibility without stigmatization or singling out, and pollworkers tacitly suggesting voters to use the DRE, although this seems to be diminishing.

This item will be CONTINUED to the March meeting.

(b) Update regarding action on the Elections Commission's resolution on voter profile information, approved at the Commission's November 18, 2009 meeting and sent to the State Legislation Committee for the City & County of San Francisco. Discussion and possible action. (Commissioner Gleason)

President Phair reminded the Commission that it sent a letter to the State Legislation Committee in December and has not received a response formally or informally.

Commissioner Gleason asked that the Commission send a second follow up to the State Legislation Committee for the City and County of San Francisco and schedule a resolution and any further action on the agenda of the next Commission meeting depending on whether we get a response. The State Legislation Committee meets on the third Thursday of the month, but that meeting has been cancelled for February. Commissioner Gleason added that he would like to have the second letter hand delivered to the offices of the State Legislation Committee. Commissioner Gleason MOVED and Commissioner Matthews SECONDED that the follow up letter, to be composed by the Commission Secretary, accompany a second copy of the original letter and be hand delivered to the State Legislation Committee's Office.

The Roll Call Vote Was: Turner – Yes, Townsend – No, Safont – Yes, Matthews – Yes, Gleason – Yes, Yu – Yes, Phair – Yes.

THE VOTE WAS 6 YES, 1 NO. THE MOTION PASSED.

Follow up to this item is carried over to the next Commission Meeting.

10. New Business

(a) Discussion and possible action regarding process for the Commission to be made aware of pending legislation that impacts the City's elections. (Commissioner Gleason)

Commissioner Gleason said that he was concerned because the Commission was recently informed, by the newspaper clipping sent by the Commission Secretary to members, of a legislative action regarding elections

after the fact. Although the Commission may not be able to act on legislation, it should be aware of laws pending. The Commissioner asked that the Commission authorize him to give a brief report, under Item 6 of the Commission's agenda item, "Commissioner Reports", of City and state legislation bearing on our elections for the remainder of this calendar year. Commissioner Gleason gave several examples of legislation currently pending and how they could affect San Francisco.

Commissioner Matthews thanked Commissioner Gleason for volunteering to monitor this subject.

Director Arntz said that he would send the list of legislation pending that he gets from CACEO, the California Association of Code Enforcement Officers, about twice a month to the Elections Commission Secretary to forward to the Commissioners.

Commissioner Gleason MOVED and Commissioner Matthews SECONDED.
The Roll Call Vote was UNANIMOUS to approve this item.

(b) Director report and briefing, and discussion and possible action by the Commission, regarding Department of Elections and election-related functions historically (over the past three years) performed by the Department of Elections which are now contracted to outside vendors or being considered for contracting to outside vendors. (Commissioner Matthews)

Commissioner Matthews acknowledged that the information on this topic was received earlier today and he asked that the item be CARRIED OVER to the next Commission Meeting.

President Phair said that the one page summary provided by the Director was very helpful.

This Item is CARRIED OVER to the March meeting.

11. **CLOSED SESSION**

(a) Discussion and possible action regarding whether to hold closed session for attorney-client communication on matters of pending litigation, held pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance Section 67.10(d)

(b) Closed Session for attorney-client communication regarding *Dudum et al. v. Arntz et al.*, Northern District of California, case No. C 10-00504 SI (filed February 4, 2010). Discussion and possible action.

Commissioner Matthews MOVED that the Commission go to CLOSED SESSION, Commissioner Safont SECONDED.

The Roll Call Vote was UNANIMOUS to go into CLOSED SESSION.

CLOSED SESSION began at 7:07 pm.

CLOSED SESSION ended at 7:37 pm.

12. **Discussion and vote regarding closed session deliberations or actions.**

(a) Discussion and vote pursuant to Brown Act section 54957.1 and Sunshine Ordinance section 67.12 on whether to disclose any closed session deliberations or actions regarding *Dudum et al. v. Arntz et al.*, Northern District of California, case No. C 10-00504 SI (filed February 4, 2010).

MOTION: The Elections Commission finds that it is in the best interests of the public not to disclose its closed session deliberations or actions regarding *Dudum et al. v. Arntz et al.*, Northern District of California, case No. C 10-00504 SI (filed February 4, 2010).

Commissioner Matthews MOVED and Commissioner Safont SECONDED.

The Roll Call Vote was UNANIMOUS to not disclose the closed session deliberations or actions.

ADJOURNMENT @ 7:41 pm

March 17, 2010

Elections Commission Meeting

Wednesday, March 17, 2010

At 6:00 pm

City Hall Room 408

Order of Business

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1. Call to Order & Roll Call
2. Public comment on any issue within the Elections Commission's general jurisdiction

3. Announcements

4. APPROVAL OF MINUTES

- (a) Discussion and possible action to approve the Minutes of the February 17, 2010 Elections Commission Meeting.

5. Director's Report

Division Updates

Ballot Distribution	Poll Locating/ADA
Budget/Personnel	Poll Worker Division
Campaign Services	Technology Division
Outreach	Voter Services
Publications	

6. Commissioners' Reports

- Meetings with public officials

- Oversight and Observation activities
 - Long-range planning for Commission activities and areas of study
 - Proposed legislation which impacts elections

7. Discussion and Possible Action to approve the Elections Department Annual Budget for FYI 2010 – 2011.

8. Old Business

- (a) Report regarding a review of the performance of the DRE (Direct Recording Equipment) used during the November 3, 2009 General Municipal Election. (Commissioner Matthews)**

This Item was CARRIED OVER from the February 17, 2010 meeting.

- (b) Director report and briefing, and discussion and possible action by the Commission, regarding Department of Elections and election-related functions historically (over the past three years) performed by the Department of Elections which are now contracted to outside vendors or being considered for contracting to outside vendors.(Commissioner Matthews)**

This Item was CARRIED OVER from the February 17, 2010 meeting.

9. Discussion regarding items for future agendas

Adjournment

Disability Access

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE, DONNA HALL, CLERK, CITY HALL, ROOM 409, 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4683 AT PHONE NO.: (415) 554-7724; FAX NO.: (415) 554-7854; E-MAIL: DONNA_HALL@CI.SF.CA.US. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

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March 17, 2010

City and County of San Francisco
Elections Commission
Approved: April 21, 2010
Minutes of the Meeting at City Hall Room 408
March 17, 2010

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1. **CALL TO ORDER.** President Joseph Pair called the meeting to order at 6:02 pm.
2. **ROLL CALL.** PRESENT: Gerard Gleason, Joseph Phair, Winnie Yu (arrived at 6:06), Derek Turner (arrived at 6:03 pm), Arnold Townsend, Richard P. Matthews, Deputy City Attorney Mollie Lee, and Director of Elections John Arntz. EXCUSED: Commissioner Rosabella Safont.
3. **Discussion and possible action to approve the minutes of the February 17, 2010 Elections Commission Meeting.** Commissioner Matthews MOVED and Commissioner Townsend SECONDED this item.

The Roll Call Vote was UNANIMOUS to approve the minutes.

4. Director's Report

Division Updates:

Ballot Distribution is currently involved in the Health Services Election which includes meeting with candidates to educate them about the election process. The Division is finalizing the vote-by-mail ballots and readying the ballots for the June election.

Budget and Personnel is working with the Controller to open the purchase orders for vendors. The Division is getting the layoff notices that the Mayor's office required Departments give to City workers. The Director reported that he attended a department head meeting in the Mayor's office on Monday in which the Mayor reported that he is in consultations with the unions and there is currently a moratorium on the previously set deadlines for the layoffs. The letters to staff instructing them regarding the layoffs had indicated that most laid off workers would be rehired as part-time, instead of full-time workers, allowed to work only 37 1/2 hours per week. This represents a 6.25 percent pay cut. This process has been a very involved one for the staff of this Division over the past two weeks.

Campaign Services Division has been monitoring the activities involved with candidate filings for the June election. The final filing date was last Friday. There will be 137 candidates on the ballot in June. Noon tomorrow is the deadline for Opponent/Proponent Arguments.

Outreach Division staff is contacting community organizations to make presentations or provide information such as flyers. The Division is also reworking and formatting new voter information materials for distribution for

the June election. Additional staff will be coming on board next week to assist in these preparations.

Publications staff report that the Ballot Simplification Committee concluded its work last week and there are seven local messages and five state measures on the ballot. Additional staff have returned and are compiling information for the ballots now that the nomination period has closed. There will be 31 ballot types for this June's primary election – this is not unusual. The Director reported that he does not yet know how many cards will be needed for the ballot. Meetings with print vendors are ongoing.

Poll Locating and ADA Division has been involved in re-precincting. The City had 580 precincts in the past several years, but now there are 590. In the past, the City had 561 polling places but for this June there will be 567. Previously, if there were 250 or less voters in a precinct, the precinct became a vote-by-mail precinct. The number of these precincts has increased from 19 to 23 for this June. The division needs to find at least 31 more polling places for the upcoming election. There has been no response from 100 of the polling site availability request letters that were mailed.

The Division is organizing a new precinct map for San Francisco for the election, and has been receiving equipment under the HAVA (Help America Vote Act) grant such as tables, chairs, threshold and suitcase ramps. These ramps are important because just three inches in width can cause a location to be inaccessible.

The Director reported that staff attended the Secretary of States' update of accessibility guidelines in Fairfield, California.

Pollworker Division is creating two new training videos. One will be focused on polling site closing procedures and issuing ballots for primary elections (there are seven different party ballots which will be distributed for the June election). Availability letters have been mailed to 3000 previous pollworkers. High Schools are being contacted to recruit student pollworkers.

Technology Division and Ballot Distribution are examining equipment to automate scan codes, handle vote-by-mail ballots, and capture and compare the ballot signature. There are some vendors who are open to the DoE being included in their pilot programs for this type of equipment. This would be advantageous because it could free up more staff to work elsewhere in the department. However, this equipment may not work with the City's ballots because they are larger than those in most cities.

Voter Services Division is checking signatures on nomination forms against the voter data base. One petition regarding congressional redistricting requires verification of 15,000 signatures. The Division continues to perform voter file maintenance. Staff is distributing registration cards to all City post office locations and libraries. Director Arntz asked Commissioners to let him know if they visit any post office that does not have the forms.

President Phair asked Deputy City Attorney Mollie Lee if there was any update regarding the lawsuit and if the City Attorney had filed a brief. The Deputy City Attorney replied that the hearing date has been rescheduled to April 2, 2010 and that she would inform the Commission if the date changes again, the time for the hearing, and provide the brief and Director's declaration to the Commission.

5. Commissioner's Reports

Proposed legislation which impacts elections – Commissioner Gerard Gleason commended the Director for forwarding the emails he receives regarding proposed elections legislations and said this makes the Commissioner's goal, to keep everyone informed, easier. He called the members' attention to Senate Bill 1342 which will allow election departments to subtract the number of permanent vote-by-mail voters from the one thousand maximum voters per precinct. This is the type of information he and other Commissioners want to

know. In the future, Commissioner Gleason will talk about these issues and how to support proposed legislation during this section of the agenda.

Meeting with the Legislative Committee – Commissioner Gleason reported that he and Commissioner Richard Matthews had a meeting Friday, March 5, 2010, with Nancy Kirshner-Rodriguez, policy director in the Mayor's office and chair of the San Francisco State Legislation Committee. Two others on Ms. Kirshner-Rodriguez' staff (one of whom is the City's lobbyist) joined this meeting regarding the Elections Commission's Voter Profile Resolution and memo requesting a change in the Election Code to allow for an administrative use only of voter phone numbers and emails. This would allow the DoE to contact voters who forget to sign their vote-by-mail ballots in time for the vote to be counted.

After a thorough and lengthy explanation of the issue by the Commissioners, and how such legislation can help voters, the City's lobbyist agreed to present it.

Commissioner Gleason will follow up on their progress and report back in a month.

6. **Discussion and Possible Action to approve the Elections Department Annual Budget for FYI 2010 – 2011.** President Phair asked if there were questions regarding the budget that was presented at the last meeting. There were none. Commissioner Matthews reminded the Commission that this item was on the agenda because it is the duty of the Elections Commission to formally approve the proposed annual budget.

Commissioner Matthews MOVED and Commissioner Gleason SECOND approval of the Elections Department Annual Budget for FYI 2010-11.

The Roll Call Vote was UNANIMOUS to APPROVE.

7. Old Business

- (a) **Report regarding a review of the performance of the DRE (Direct Recording Equipment) used during the November 3, 2009 General Municipal Election.** (Commissioner Matthews)

This Item was CARRIED OVER from the February 17, 2010 meeting.

Commissioner Matthews presented his report which is attached to these minutes.

Referring to the Director's memo, parts of which are shown in the Commissioner's DRE report, Commissioner Matthews asked the Director what he meant when he wrote that he works with the Mayor's Office on Disability regarding the use of the DRE. Director Arntz answered that he works with that office regarding much of what the Department does in outreach and operations because they usually have excellent feedback and work directly and more consistently with persons with disabilities. The Mayor's Office on Disabilities has also been very helpful regarding resources needed to make polling places accessible. The Director said that they are also good contact sources for community groups. Oftentimes, if a voter has had an access concern when voting, the Mayor's Office on Disability may hear of it and pass that information along to Elections.

Commissioner Matthews asked about the reference in the memo that described a precinct inspector in which the number of voters using the Edge Machine (DRE) increased during the last election and the memo went on to say that this incident would be followed up upon with that inspector to reinforce the Commission's Policy. Commissioner Matthews asked if this was done. Director Arntz said that this is the case, although he didn't know for certain if this was done with this particular inspector. When this is observed, the Field Elections Deputy is sent to speak with the inspector and pollworkers at the site. There has been an instance when pollworkers have been removed and replaced at sites when the proper procedure

is not followed.

Commissioner Townsend thanked the Director for communicating with the Mayor's Office on Disabilities.

Director Arntz informed the Commission that he had recently learned that the Secretary of State's Office has dropped its requirement that if one voter uses the DRE at any site, the pollworkers must encourage five more voters to use that equipment each election. This situation had caused a great challenge for the Department in the past. The Director added that this may help to mitigate the encouragement to get voters to use the DRE.

President Phair asked the Director if the DoE still will have to post the vote on the DRE with the closing tape at the end of election at sites. Director Arntz answered that it must still be posted.

The Director added that the current voting systems contract ends 2013. At the present time he is aware of only one print-on-demand voting system with approval. That company's machine is the size of a large copying machine – too large to have at each polling site.

(b) Director report and briefing, and discussion and possible action by the Commission, regarding Department of Elections and election-related functions historically (over the past three years) performed by the Department of Elections which are now contracted to outside vendors or being considered for contracting to outside vendors. (Commissioner Matthews)
This Item was CARRIED OVER from the February 17, 2010 meeting.

Commissioner Matthews thanked Director Arntz for the information he provided at the last meeting regarding this topic and asked him if the DoE had any additional outside vendors other than the preparation of the VBMs (Vote-by-mail ballots). Director Arntz answered that the voter guide is handled by an outside vendor. Commissioner Matthews asked if there was any other activity other than printing that is out sourced.

The Director replied that the delivery of voting equipment is handled outside the Department and nothing else has changed in the last three years.

Commissioner Matthews reminded the Commission that the VBMs are no longer handled by Sequoia Voting Systems, and asked the Director who was currently the vendor. Director Arntz replied that K and H Company in Everett, Washington is now the vendor and they are a ballot printing operation. This company has the ability to print-on-demand which offers a very tight and secure process. They are also a post office branch.

Public Comment

Chandra Friese said that she would be interested in knowing the difference in the costs between outsourcing and insourcing the printed materials.

Director Arntz said that the cost of manually handling the VBMs (which includes all personnel costs) and having them automated shows approximately a \$200,000 savings per election.

8. Discussion regarding items for future agendas

President Phair asked that the Commission invite Mr. Roger Donaldson to make a presentation at a future meeting. President Phair will contact Mr. Donaldson.

ADJOURNMENT AT 7:05 pm.

Attachments

DRE Report

April 21, 2010

**Elections Commission Meeting
Wednesday, April 21, 2010
At 6:00 pm
City Hall Room 408**

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Order of Business

1. **Call to Order & Roll Call**
2. **Public comment on any issue within the Elections Commission's general jurisdiction**
3. **Announcements**
4. **APPROVAL OF MINUTES**
 - (a) **Discussion and possible action to approve the Minutes of the March 17, 2010 Elections Commission Meeting.**
5. **Director's Report**
 - Division Updates

• Ballot Distribution	• Poll Locating/ADA
• Budget/Personnel	• Poll Worker Division
• Campaign Services	• Technology Division
• Outreach	• Voter Services
• Publications	•

- Update on the "Audio Voter" equipment and its ability to read back ranked candidates, and other voter equipment remedies since the November 2009 Election.

6. Commissioners' Reports

- Meetings with public officials
- Oversight and Observation activities
- Long-range planning for Commission activities and areas of study
- Proposed legislation which impacts elections
- Possible update from Commissioner Gerard Gleason regarding the City Lobbyist's efforts to present the Commission's Voter Profile Resolution to the State Legislature.

7. New Business

(a) Discussion and possible action regarding informing the City Attorney of concerns with postal delivery of ballots and voter materials, in connection with the City Attorney's actions regarding postal delivery of U.S. Census forms and other mail to Single Room Occupancy hotels.

(b) Discussion and possible action to approve the Election Plan for the June 8, 2010 Consolidated Statewide Direct Primary Election.

(c) Discussion and possible action to approve the Waiver Allowing City Employees to Assist the Department of Election with the June 8, 2010 Consolidated Statewide Direct Primary Election.

8. Discussion regarding items for future agendas

Adjournment

Information Packet for this meeting

Election Plan

Waiver for workers

Waiver Memo

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April 21, 2010

City and County of San Francisco
Elections Commission
Approved: 6-16-2010
Minutes of the Meeting at City Hall Room 408
April 21, 2010

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1. CALL TO ORDER. President Joseph Phair called the meeting to order at 6:02 pm.

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2. ROLL CALL. PRESENT: Commissioners Gerard Gleason, Joseph Phair, Rosabella Safont, Derek Turner, Richard P. Matthews, Deputy City Attorney Mollie Lee, and Director of Elections John Arntz. EXCUSED: Commissioners Winnie Yu and Arnold Townsend.

3. Public Comment. Roger Donaldson of the Voting Systems Task Force reported that the group has been working for a year. One of the many areas the Task Force is investigating is the "prime three system" which was demonstrated recently and at which members of the DoE attended. Mr. Donaldson presented a three page summary description of the system which is attached to these minutes. Mr. Donaldson said that this system and others should be examined as replacements for the current Sequoia Equipment system used by the City, and he offered to make future reports of the Voting Systems Task Force's findings and recommendations to the Commission.

Jim Soper of the Voting Systems Task Force added that the system Mr. Donaldson mentioned is cheaper because it uses standard hardware and is worth further examination. He said that any system needs to be audited and checked carefully. Mr. Soper spoke briefly about internet voting and said it is being supported nationally.

4. Announcements. President Phair reported that in the case of Dudum v. City and County of San Francisco, the request for a temporary restraining order was denied. President Phair said that the court decision was well written and the City Attorney's office was doing a great job.

5. Discussion and possible action to approve the minutes of the March 17, 2010 Elections Commission Meeting. Commissioner Matthews MOVED and Commissioner Turner SECONDED this item.

The Roll Call Vote was UNANIMOUS to approve the minutes.

6. Director's Report

Division Updates:

Ballot Distribution is expected to have mailed the ballots for the Health Service System's election before the next Commission meeting. Currently the Division is contacting the various City Departments' Health Service System Election officers to help make sure all employees receive ballots.

The Division is working with the vote by mail ballot vendor, putting together the routes for the memory packs for

election day with the Sheriff and the Department of Parking and Traffic.

Today the Division met with Sequoia regarding preventive maintenance with the 400-C machines that read the vote by mail ballots in our computer room.

Budget and Personnel is working with the newest round of budget cuts since the last Commission meeting. The Mayor's Office requested another reduction in salaries, materials, supplies, travel and vehicles. Since the DoE's budget is already extremely tight, we didn't have to make further cuts in materials and supplies, however we did cut an unfilled 1403 election clerk position and the travel budget, which was \$1800 is now down to \$300 for the next fiscal year.

Additionally, the Division is working on the Controller's 9 month report that looks to see if a Department is on track with its expenditures.

Campaign Services Division will be holding an Open House on May 19th from 3 pm to 5 pm and will include a tour of the Elections Department, and a demonstration of the voting equipment. This event is open to the public. The Division is preparing materials for the Election Observer Panel and has posted the candidate guide for the November election on the DoE's website.

Outreach Division is preparing letters for voters who voted incorrect party and had to vote provisionally in February or June 2008. The Division is working on shelter ads for MUNI stops which will promote voter registration.

Publications has sent the June ballots to the printer and is currently finalizing the voter information pamphlet.

Poll Locating and ADA Division reports that, to date, the Division needs to locate 16 new polling locations and is working to complete a new citywide precinct map. The new district maps are finished.

Pollworker Division has completed and posted on-line the new pollworker manual. They have also completed their training video, and the pollworker hiring office has opened in City Hall Room 43B.

Technology Division is working to get closer to real time election results. The process has been reduced from 15 minutes to one minute, but this has not been tested.

Voter Services Division has been monitoring changes and cancellations in voter registrations for the City. State petitions' signatures are being verified. One petition this week had 19,000 signatures. The permanent vote by mail file has been transferred to the vendor and there are 176,000 permanent vote by mail voters for the June election. Decline to state voters were sent postcards and their responses are being received.

Commissioner Matthews asked about the letter from Christopher Bowman. President Phair said that the Director had given him a report earlier, and asked the Director to repeat it for the other Commissioners. Director Arntz said that the Department of Elections asks the person who is being challenged to state their reaction to the challenge – either they will make no changes or will make changes.

It was noted that there is an April 9, 2010 letter from Mr. Bowman regarding technical issues about the Statement of Vote. Mr. Arntz said he had not yet seen the letter (the Commission Secretary will provide it to the Director), but would let the Commission know his response.

Commissioner Matthews asked if the Department will have difficulty finding the 300 more pollworkers it needs for the June election. Director Arntz said that the Pollworker Division has always done an excellent job of recruiting

workers and reminded the Commission that the June election has built-in recruitment problems – high school students taking final exams and adults starting vacations. Commissioner Matthews asked the Director to let the Division know if problems continue, and the Commissioners said he is willing to volunteer to work this election.

President Phair asked Commissioner Matthews if he would be willing to coordinate with the Director to review the two new pollworker training modules and report back to the Commission. Commissioner Matthews agreed that he would do so. Director Arntz advised the Commission that the modules would be available on the Department's website soon.

- Update on the "Audio Voter" equipment and its ability to read back ranked candidates, and other voter equipment remedies since the November 2009 Election.

Director Arntz reported that currently there is a limitation of the audio on the touch screen equipment, that is the audio does not tell the voter that "this is your rank one", or "this is your rank two". It says only "selection John Doe", but not the rank. There were other issues which were corrected without having to go through certification.

The Director will give the Commission an update of remedies taken before the November 2010 meeting.

6. Commissioner's Reports

Commissioner Gerard Gleason will give an update on proposed legislation which impacts elections at the next full Commission meeting.

7. New Business

(a) Discussion and possible action regarding informing the City Attorney of concerns with postal delivery of ballots and voter materials, in connection with the City Attorney's actions regarding postal delivery of U.S. Census forms and other mail to Single Room Occupancy hotels.

President Phair explained that he and Commissioner Gleason propose that the Commission send a letter to the City Attorney to alert him that not only the U.S. Census forms must be delivered to each resident in the Single Room Occupancy (SROs) hotels, but vote by mail ballots and other election materials must be delivered as well. Commissioner Gleason presented his draft letter.

Deputy City Attorney Mollie Lee said that this is pending litigation that was filed last year and the complaint is not limited to delivery of census forms. It mentions that all forms of mail is not being delivered to SRO residents. Deputy City Attorney Lee said the litigation is moving forward and that the relief her office is seeking is delivery of mail to individual mail boxes for each tenant.

Commissioner Matthews MOVED and Commissioner Safont SECONDED this MOTION.

The Roll Call Vote to send the letter to the City Attorney under the signature of the Elections Commission President was UNANIMOUS.

(b) Discussion and possible action to approve the Election Plan for the June 8, 2010 Consolidated Statewide Direct Primary Election.

Commissioner Gleason pointed out that under Section III, "New Practices" (B) Change in Conditional Certification

for Edge Touch Screen, he still has concerns that the Secretary of State continues to insist upon utilizing remakes of ballots as a regular process for counting voters ballots. The Commissioner said that the average voter does not know that this is the process and asked that this be discussed at a future Elections Commission meeting with the goal of taking the issue to the Secretary of State's Office.

Commissioner Matthews said that he agreed with Commissioner Gleason and that voters who use the DRE (direct recording equipment) have no idea that they are not really casting their vote, but that they are really logging in their vote which will be copied over onto a paper ballot – that will be the actual vote. This is assisted voting, and the voter does not know that their vote is actually an assisted vote.

President Phair said that there are two issues: voter information of the remake process if the voter uses the DRE (which may cause the voter to not choose to use the DRE for that reason), and is there a remedy for avoiding this in the future?

Commissioner Safont said that this process is an issue of disclosure to the voter and does not give the voter a choice.

Commissioner Matthews MOVED and Commissioner Turner SECONDED approval of the Election Plan.

The Roll Call Vote was UNANIMOUS to approve the Election Plan for the June 8, 2010 Consolidated Statewide Direct Primary Election.

(c) Discussion and possible action to approve the Waiver Allowing City Employees to Assist the Department of Election with the June 8, 2010 Consolidated Statewide Direct Primary Election.

Commissioner Matthews MOVED and Commissioner Safont SECONDED approval of the Waiver.

The Roll Call Vote was UNANIMOUS to approve the Waiver Allowing City Employees to Assist the Department of Elections with the upcoming June Election.

8. Discussion regarding items for future agendas

- To approach the City's State Legislation Committee in support of amending California Elections Code to define precincts as greater than 1000 voters. (Commissioner Matthews)

- Discussion and possible action to consider how the Elections Commission addresses the issue of its concern surrounding the SoS's conditional certification of the City's Sequoia Voting Systems contract. (Commissioner Matthews)

- A presentation by Roger Donaldson, or an expert he is to name, regarding the Prime III Multimodal Electronic Voting System.

Adjournment at 7:10 pm

ATTACHMENT

May 19, 2010 - CANCELLED

Elections Commission Meeting

CANCELLED FOR

Wednesday, May 19, 2010

At 6:00 pm

City Hall Room 408

Order of Business

1. Call to Order & Roll Call

2. Public comment on any issue within the Elections Commission's general jurisdiction

3. Announcements

4. APPROVAL OF MINUTES

(a) Discussion and possible action to approve the Minutes of the April 21, 2010 Elections Commission Meeting.

5. Director's Report

• Division Updates

- Ballot Distribution • Poll Locating/ADA
- Budget/Personnel • Poll Worker Division
- Campaign Services • Technology Division
- Outreach • Voter Services
- Publications •

6. Commissioners' Reports

- Meetings with public officials
 - Oversight and Observation activities
 - Long-range planning for Commission activities and areas of study
 - Proposed legislation which impacts elections
-
- Possible update from Commissioner Gerard Gleason regarding the City Lobbyist's efforts to present the Commission's Voter Profile Resolution to the State Legislature.

7. New Business

(a) Discussion and possible action regarding working with the City's State Legislation Committee to propose

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amending the California Elections Code to redefine precincts as greater than 1,000 voters.

(b) Discussion and possible action to create policy to give notice to voters whether votes cast on DRE (Direct Recording Equipment) machines will be remade onto paper ballots at a later time.

8. Discussion regarding items for future agendas

Adjournment

Disability Access

The Elections Commission meeting will be held in Room 408, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE, DONNA HALL, CLERK, CITY HALL, ROOM 409, 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4683 AT PHONE NO.: (415) 554-7724; FAX NO.: (415) 554-7854; E-MAIL: DONNA_HALL@CI.SF.CA.US. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

Materials contained in the Commission packets for meetings are available for inspection at the Elections Department, City Hall Room 48, in the Commission's Public Binder, no later than 72 hours prior to meetings.

If any materials related to an item on this agenda have been distributed to the Elections Commission after distribution of the agenda packet, those materials are available for public inspection at the Elections Department, City Hall Room 48, in the Commission's Public Binder, during normal office hours.

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Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100, fax (415) 252-

3112; web site at www.sfgov.org/ethics.

June 16, 2010

Elections Commission Meeting
Wednesday, June 16, 2010
At 6:00 pm
City Hall Room 408

AGENDA

Order of Business

1. Call to Order & Roll Call

2. Public comment on any issue within the Elections Commission's general jurisdiction

3. Announcements

4. APPROVAL OF MINUTES

(a) Discussion and possible action to approve the Minutes of the April 21, 2010 Elections Commission Meeting.

5. Director's Report

• Division Updates

• Overview of conduct of the June 8, 2010 Election

• Status of post-election ballot processing

• Progress of post-election canvas

• Director Arntz will introduce Mr. Dave Haines, Senior Vice President of K & H Printers from Everett, Washington, who will give a presentation regarding the company's process for printing and preparing vote-by-mail (VBM) ballots for mailing.

6. Commissioners' Reports

• Meetings with public officials

• Oversight and Observation activities

• Long-range planning for Commission activities and areas of study

• Proposed legislation which impacts elections

• Possible update from Commissioner Gerard Gleason regarding the City

Lobbyist's efforts to present the Commission's Voter Profile Resolution to the State Legislature.

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7. Chairperson Richard P. Matthews will report regarding the Budget and Oversight of Public Elections Committee (BOPEC) meeting held on June 4, 2010.

8. New Business

(a) Discussion and possible action regarding working with the City's State Legislation Committee to propose amending the California Elections Code to redefine precincts as greater than 1,000 voters.

(b) Discussion and possible action to create policy to give notice to voters whether votes cast on DRE (Direct Recording Equipment) machines will be remade onto paper ballots at a later time.

(c) Discussion and possible action regarding evaluation of the effectiveness of the Election Plan for the June 8, 2010 Consolidated Statewide Direct Primary Election.

9. Discussion regarding items for future agendas

Adjournment

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City and County of San Francisco
Elections Commission
Approved: -----
Minutes of the Meeting at City Hall Room 408
June 16, 2010

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1. **CALL TO ORDER.** President Joseph Phair called the meeting to order at 6:01 pm.
2. **ROLL CALL.** PRESENT: Commissioners Rosabella Safont, Gerard Gleason, Joseph Phair, Arnold Townsend and Winnie Yu (arrived 6:10 pm). Deputy City Attorney Jon Givner, and Director of Elections John Arntz. ABSENT: Derek Turner. EXCUSED: Richard P. Matthews.
3. **Announcements**
President Phair said that Commissioners are requested to always have their San Francisco Identification Card or business card and photo I.D. with them when they visit the Department of Elections, especially after hours.
4. **Discussion and possible action to approve the minutes of the April 21, 2010 Commission Meeting.** Commissioner Safont MOVED and Commissioner Townsend SECONDED this item.

The Roll Call Vote was UNANIMOUS to approve the minutes.

5. **Director's Report**

Director Arntz reported that department staff is following up with the mechanics involved in the election, such as the canvass. Campaign Services is working on the November 2010 election ordinances which are now coming into their division. The deadline is June 22nd.

The Director gave the following overview of the election: There was a 12 to 13% turnout at the precincts; 193,000 vote-by-mail (VBM) ballots were mailed resulting in 94,000 voted and turned in (this number is lower than in a similar election 2006) and 4800 provisional ballots. This makes the total voter turnout 33%. In June 2006 the total turnout was 37%.

Four precincts didn't open on time, but voting commenced at the sidewalk. There were incidents when pollworkers failed to open the slots at the top of the insight voting machine which caused some ballots to jam. This was easily remedied. There were no issues during the election which were outstanding or unusual.

Canvassing and counting of the ballots should be completed by the following Thursday or Friday.

The election day incident report, correspondence from the public and the VBM and provisional ballot reports will be available to the Commission before the July meeting.

Commissioner Gleason reminded the Director that the Commission would also like a report on the Direct Recording Equipment (DRE) usage.

Director Arntz introduced Mr. Dave Haines, Senior Vice President of K & H Printers from Everett, Washington, who gave a presentation regarding the company's process for printing and preparing vote-by-mail (VBM) ballots for mailing.

President Phair complimented Mr. Haines on the presentation he gave to the Budget and Oversight of Public Elections Committee (BOPEC) of the Elections Commission two weeks ago, in which he explained how the approximately 350 VBMs were sent to the wrong address, causing voters to receive the wrong ballot. President Phair said that K & H was very responsive to this unusual event, and thanked him for coming to this meeting to explain this situation to the full Commission.

Mr. Haines gave a power point presentation regarding his 100 year old company, explaining that they have been producing ballots for the past 80 years. He said that the company is the largest mailer of ballots in the United States.

Mr. Haines brought a video showing the actual automated process of ballots being printed, folded, addressed, and mailed at K & M for the BOPEC meeting two weeks, but was unable to show the video at this meeting due to equipment failure. Refer to the minutes of that meeting for a description of that video.

There are cameras on the automated production line that catch and trigger the removal of problem ballots. This is what happened with the 350 VBMs that were misaddressed. The cameras check that each ballot has the correct voter's name and address inside and outside the mailing envelope. This is accomplished through the barcodes printed on each.

Mr. Haines explained that there were two problems that occurred during this election: First, a group of ballots that were quarantined ended up in the mail stream. 1317 voters were affected. Once the ballot is in the envelope, the envelope must be addressed (although the name and address on the ballot already shows through the open envelope window). This added step is unique to the City of San Francisco. The quarantined (spoiled) ballots are believed to

have been mistakenly placed by a worker with the good ballots. Therefore, some voters received two VBM ballots. Second, the wrong address was applied to the envelopes of approximately 350 ballots. This was what Mr. Haines referred to as the “read and print problem”.

In the company’s effort to find out what caused the problem, they were able to replicate the situation when they tried to clear the ink jet heads on their equipment. When they purged those heads (after a machine jam and the ink jet heads had dried out) and restarted the machines, the address printing began, but was off by one address.

Mr. Haines stated that the problem has been solved. He has met with the San Francisco Post Office Post Master and the design people for K & H’s equipment. The San Francisco Department of Elections will now be allowed to address its ballots in the manner that all of California counties use. The address will appear only once on the envelope – through the window of the envelope. It will no longer be necessary to print an additional address on the actual envelope.

San Francisco will still enjoy the postal discount it now gets for presorted mail, because it will use only the barcode on the address showing through the window which will now have cellophane covering it. The lack of this cellophane over the window was a cause of equipment jamming in the past.

Commissioner Gleason thanked Mr. Haines for his presentation and explanation of the problems and resolutions. Commissioner Gleason added that he wants to see the Secretary of State (SoS) more involved in how VBM ballots envelopes are designed and handled by the Post Office.

6. Commissioner Reports.

Commissioner Townsend reported that he and Commissioner Winnie Yu attended an event at the home of the Swiss Consulate General regarding direct democracy. There will be a global event on this topic later this month in San Francisco. Commissioner Townsend explained that direct democracy means that all voters, including minority members of a society, are represented although they maybe outnumbered.

Commissioner Townsend said that he had received a phone call from Ms. Simmons regarding the recent news reports about polling places located in buildings that house registered sex offenders.

Public Comment:

Ms. Lavonne Moore said that she was speaking for her aunt standing beside her, Ms. Josephine Simmons. Ms. Simmon’s home has been a polling site for over 40 years. Ms. Moore said the Television Station KRON “plastered” her

aunt's home "on the screen". Ms. Moore said that at this point in time, Ms. Simmons has decided that she will not open her home as a polling site again. In the past, Ms. Simmons would always make sure someone would be there to open her home for voters, whether she was at work, or away. Ms. Simmons always assisted pollworkers in any way should could. Ms. Simmons stated that she was disappointed and hurt because her friends called her to ask what was going on when they saw the story on television.

Ms. Moore said that she hoped the Commission could do something about this type of problem before the upcoming important November election.

Commissioner Townsend suggested that the Commission write a letter to the media about the toll this story has taken on Ms. Moore and others. He said especially when the story has nothing to do with the election. The Commissioner said that voters are over 18 years old, and the people who live in the residence have nothing to do with the activity of people who work in the polling sites. President Phair responded that the Commissioner could draft a letter for the Commission's approval.

President Phair added that the DoE and the Commission are equally concerned about this situation but have no control over the press. He said that we could send a letter pointing out the damage that the story did to Ms. Simmons and others who have been very helpful to the voting process. President Phair offered his apologies, on behalf of the City to Ms. Simmons.

President Phair asked if any of the Commissioners had observations of the election that they wanted to share. There were no reports offered. President Phair said that Commissioner Turner had mentioned that he may wish to make a report of his election day experiences. Commissioner Turner is not present at this meeting but may want to make his report at the next.

- **Possible update from Commissioner Gerard Gleason regarding the City Lobbyist's efforts to present the Commission's Voter Profile Resolution to the State Legislature.** Commissioner Gleason reported that he and Commissioner Matthews met with the committee's chair in March. Since that time, Commissioner Gleason has sent inquiries regarding this issue and has received no response. The item never made the committee's agenda.

Commissioner Gleason reminded the Commission that during the recent election, the DoE had to telephone voters regarding the misaddressed ballots that were detailed during the Director's Report at this meeting. Commissioner Gleason said he wants to present the Voter Profile Resolution to the Commission at the next meeting and propose that the Commission send an OpEd piece to the newspapers about the importance of this resolution.

7. **Chairperson Richard P. Matthews will report regarding the Budget and Oversight of Public Elections Committee (BOPEC) meeting held on June 4, 2010.** President Phair said that Commissioner Matthews asked that the Commission refer to the BOPEC draft minutes in their meeting packet and the presentation by Mr. Haines at today's meeting.

8. **New Business**

- (a) **Discussion and possible action regarding working with the City's State Legislation Committee to propose amending the California Elections Code to redefine precincts as greater than 1,000 voters.** Commissioner Gleason said that Commissioner Matthews (who is excused from tonight's meeting) asked that this item be on the agenda. Director Arntz reported that this item comes before every legislation session. Currently, each precinct may have only 1000 voters, however more voters are using VBM ballots and if the number of voters assigned to a precinct could be increased, there would be less ballots assigned to each precinct, and costs could be decreased. Commissioner Gleason reminded the Commission that recently the City ran a successful election with 2000 voters in some precincts in the municipal election.

This item is TABLED until the next Commission meeting.

- (b) **Discussion and possible action to create policy to give notice to voters whether votes cast on DRE (Direct Recording Equipment) machines will be remade onto paper ballots at a later time.** President Phair said perhaps this subject should be covered in the Voter Information Pamphlet (VIP). Commissioner Gleason said that voters should be made aware that their DRE cast ballots are remade and that this information is currently reported in the Election Plan. He said that the process of making ballot remakes a standard operating procedure is not a good policy. Remakes should only be done in an emergency. President Phair asked the Director if the remaking of DRE ballots was a condition of the SoS's certification of the City's election equipment. Director Arntz said that this is correct.

President Phair said that the Director is aware of the Commission's comments regarding this issue and will hold them in account when he designs the VIP in the future.

- (c) **Discussion and possible action regarding evaluation of the effectiveness of the Election Plan for the June 8, 2010 Consolidated Statewide Direct Primary Election.** Commissioner Townsend MOVED and Commissioner Gleason SECONDED this item for approval.

MOTION: The Department of Elections substantially complied with the Election Plan with the noted exception that the Department of Elections was

required to borrow equipment from another county (the tabulation units or memory packs).

Commissioner Gleason MOVED the motion and Commissioner Safont SECONDED.

The Roll Call Vote was UNANIMOUS.

9. Discussion regarding items for future agendas

President Phair announced that historically there has not been a meeting in July, and that he suggests that the next Commission meeting be in August. Commissioner Gleason MOVED that the July Commission Meeting be CANCELLED. Commissioner Safont SECONDED the motion.

The Roll Call Vote was UNANIMOUS.

ADJOURNMENT at 7:00 pm



ELECTIONS COMMISSION
City and County of San Francisco

Joseph B. Phair, President
Winnie Yu, Vice President
Gerard Gleason
Richard P. Mathew
Rosabella Safoni
Arnold Townsend
Dorel L. Turner

Donna
Director of Elections

Shirley Rod
Commission Secretary

Elections Commission Meeting
Wednesday, July 21, 2010
At 6:00 pm
City Hall Room 408

7/10
Cancelled

**THIS MEETING
HAS BEEN CANCELLED**

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ELECTIONS COMMISSION
City and County of San Francisco



Joseph B. Phair, President
Winnie Yu, Vice President
Gerard Gleason
Richard P. Matthews
Rosabella Safont
Arnold Townsend
Derek E. Turner

John Arntz
Director of Elections

Shirley Rodriques
Commission Secretary

Elections Commission Meeting
Wednesday, August 18, 2010
At 6:00 pm
City Hall Room 408

AGENDA

Order of Business

1. Call to Order & Roll Call
2. Public comment on any issue within the Elections Commission's general jurisdiction
3. Announcements
4. APPROVAL OF MINUTES

(a) Discussion and possible action to approve the Minutes of the June 16, 2010 Elections Commission Meeting.

5. Director's Report
 - Division Updates

• Ballot Distribution	• Poll Locating/ADA
• Budget/Personnel	• Poll Worker Division
• Campaign Services	• Technology Division
• Outreach	• Voter Services
• Publications	•

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6. Commissioners' Reports

- Meetings with public officials
- Oversight and Observation activities
- Long-range planning for Commission activities and areas of study
- Proposed legislation which impacts elections
- Possible update from Commissioner Gerard Gleason regarding the City Lobbyist's efforts to present the Commission's Voter Profile Resolution to the State Legislature.

7. Old Business

- (a) **Report regarding observations of the June 8, 2010 Consolidated Statewide Direct Primary Election.** Commissioner Derek Turner.
- (b) **Discussion and possible action regarding working with the City's State Legislation Committee to propose amending the California Elections Code to redefine precincts as greater than 1,000 voters.** Commissioner Gleason.

8. New Business

- (a) **Update from the Director regarding the "Audio Voter" equipment and its ability to read back the ranked candidates, and other voter equipment remedies since the November 2009 election.**
- (b) **Discussion and possible action to approve the Voter Profile Resolution and approval of forwarding the resolution to the media in the form of an OpEd with additional information regarding its importance.** Commissioner Gleason to present.

9. CLOSED SESSION

- (a) Discussion and possible action regarding whether to hold closed session for attorney-client communication on matters of pending litigation, held pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance Section 67.10(d)
- (b) Closed Session for attorney-client communication regarding:

ProtectMarriage, et al. v. Bowen, et al. (E.D. Cal., filed January 7, 2009, Case No. 2:09-cv-0058-MCE-DAD)

Dudum, et al. v. Arntz, et al. (N.D. Cal., filed February 4, 2010, Case No. 10-cv-00504-RS)

Arntz, et al. v. Superior Court of California for the City and County of San Francisco (Cal. Court of Appeal, First Appellate District, Division Two, filed July 28, 2010, Case No. A129173) (writ proceeding challenging decision in *Alioto-Pier v. Arntz et al.*, San Francisco Superior Court, Case No. CGC-10-500796, filed June 17, 2010)

Field, et al. v. Bowen, et al. (San Francisco Superior Court, filed July 28, 2010, Case No. CGC-10-502018)

Alba-Swanson, et al. v. Arntz, et al. (San Francisco Superior Court, filed August 10, 2010, Case No. CGC 10 502446)

Discussion and possible action.

10. Discussion and vote regarding closed session deliberations or actions.

(a) Discussion and vote pursuant to Brown Act section 54957.1 and Sunshine Ordinance section 67.12 on whether to disclose any closed session deliberations or actions regarding *Dudum, et al. v. Arntz, et al.* (N.D. Cal., Case No. 10-cv-00504-RS) *Arntz, et al. v. Superior Court of California for the City and County of San Francisco* (Cal. Court of Appeal, First Appellate District, Division Two, Case No. A129173) (regarding *Alioto-Pier v. Arntz et al.*, San Francisco Superior Court, Case No. CGC-10-500796) *Alba-Swanson, et al. v. Arntz, et al.* (San Francisco Superior Court, Case No. CGC 10 502446) *Field, et al. v. Bowen, et al.* (San Francisco Superior Court, Case No. CGC-10-502018) *ProtectMarriage, et al. v. Bowen, et al.* (E.D. Cal., Case No. 2:09-cv-0058-MCE-DAD)

MOTION: The Elections Commission finds that it is in the best interests of the public (not) to disclose its closed session deliberations or actions regarding the cases discussed in closed session.

11. Discussion regarding items for future agendas

Adjournment

Disability Access

The Elections Commission meeting will be held in Room 408, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are #42 Downtown Loop, and #71 Haight/Noriega and the F-Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE, DONNA HALL, CLERK, CITY HALL, ROOM 409, 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4683 AT PHONE NO.: (415) 554-7724; FAX NO.: (415) 554-7854; E-MAIL: DONNA_HALL@CI.SF.CA.US. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

Materials contained in the Commission packets for meetings are available for inspection at the Elections Department, City Hall Room 48, in the Commission's Public Binder, no later than 72 hours prior to meetings.

If any materials related to an item on this agenda have been distributed to the Elections Commission after distribution of the agenda packet, those materials are available for public inspection at the Elections Department, City Hall Room 48, in the Commission's Public Binder, during normal office hours.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100, fax (415) 252-3112; web site at www.sfgov.org/ethics.

August 18, 2010

City and County of San Francisco
Elections Commission
Approved:
Minutes of the Meeting at City Hall Room 408
August 18, 2010

1. **CALL TO ORDER.** President Joseph Phair called the meeting to order at 6:03 pm.
2. **ROLL CALL.** PRESENT: Commissioners Richard P. Matthews, Rosabella Safont, Gerard Gleason, Joseph Phair, Winnie Yu and Arnold Townsend (arrived 6:17 pm). Deputy City Attorney Mollie Lee, and Director of Elections John Arntz.

3. **Announcements**

President Phair announced that he had received a notice from Commissioner Derek Turner stating that he was relocating to Washington D.C., and therefore resigning from the Commission immediately.

Commission Secretary Shirley Rodriques announced that this meeting would be her last as she will be officially retiring on August 27, 2010. Ms. Rodriques introduced Gail Hilliard, who has been accompanying the Commission Secretary to its meetings since April, and thanked the Commissioners for their volunteer service to the City. The Commissioners thanked the Secretary for her eight years of service to the Elections Commission.

4. **Discussion and possible action to approve the minutes of the June 16, 2010 Commission Meeting.** Commissioner Matthews MOVED and Commissioner Safont SECONDED this item.

The Roll Call Vote was UNANIMOUS to approve the minutes.

5. **Director's Report**

Ballot Distribution: Staff is currently working on a Business Investment District Election (the Mission Miracle Mile Improvement District). This involves twenty properties. Staff is organizing the ballot with the vendor for the November election and conducting an overview of their procedures for ballot tracking and processing.

Budget and Personnel: Staff is hiring personnel for this election, and obtaining and organizing supplies for all the Divisions in preparation for the November election.

Campaign Services: Staff has been busy over recent weeks holding workshops for candidates and conducting a ballot argument workshop. They have received 144 paid arguments and 77 candidates have filed for the November ballot. There was an extension for one of the Board of Education seats because an incumbent did not file for her seat.

Outreach: Interviews for outreach coordinators have begun. Advertisements in the bus shelters and on the buses are being prepared.

Publications: The Ballot Simplification Committee, with the assistance of Deputy City Attorney Mollie Lee, was in session for two full weeks, and the Committee's President, Betty Packard has stated that this election has been her most challenging so far. There will be five ballot cards for each district in the November election. This is the second time the City has had a five-card ballot. The Voter Information Pamphlet (VIP) is expected to contain approximately 250 pages. This will be one of the largest ever produced by San Francisco.

Poll Locating: Staff is reviewing the responses from the last election day incident report, and comments from the Field Election Deputies (FEDs) and Department of Elections staff to determine what modifications may be needed to modify their procedures or activities for November. Staff mailed out poll location availability letters early this month, and staff has begun finding the 31 sites needed so far. There are 180 previously used polling sites that were contacted but have not yet responded. The Poll Locating Division is mapping the City according to ballot types and these maps are important for the routes for the FEDs and supply deliveries.

Pollworker Division: Staff has sent out availability letters to 2500 people. The recruiting and scheduling of High School pollworkers has begun, as well as the review and changes to the Training Manual. There are training videos available on the Elections Department website. Recruitment has begun for the training staff for the pollworkers.

Technology: The division is working on a data base for the Publications Division to accumulate candidate information which can be used for future elections and developing a "pollworker on-line profile" which will be a web page for each pollworker. With the pollworker profile, the pollworker can go to the website, pull up the information she or he needs for training, including videos, look at their assignment and check the dates of training classes. The Technology Division is also working with the Voter Services Division to track the mail received and categorizing the types of mail.

Voter Services: Staff has been busy checking the many signatures on the petitions the Department received. Having completed the signature certification, now staff can catch up on file maintenance from the June election. There is a new version of the registration data base being tested.

Commissioner Matthews asked what was the basis for the Board of Education's extension for one of its members to file her candidacy for the November election. Director Arntz replied that whenever an incumbent doesn't file for the seat that the incumbent holds, the nomination period is extended another five business days. Commissioner Matthews asked if this is true for all City offices or just for the Board of Education. Director Arntz responded that this is the case for all City offices.

6. Commissioner Reports.

Commissioner Gleason reported that he has made a final attempt to get a response from the City's Legislation Committee regarding the Commission's Voter Profile Resolution, particularly in light of the Elections Department's efforts to reach voters before the recent June election regarding a mishap with some of the ballots that were mailed. Commission Gleason said that he contacted two members of the Legislation Committee and there has been no response.

7. Old Business

(a) Report regarding observations of the June 8, 2010 Consolidated Statewide Direct Primary Election. Commissioner Derek Turner.

This item was taken off calendar because Commission Turner has resigned.

(b) Discussion and possible action regarding working with the City's State Legislation Committee to propose amending the California Elections Code to redefine precincts as greater than 1,000 voters. Commissioner Gleason.

Commissioner Gleason asked Director Arntz for an update regarding this item. Director Arntz reported that since the last Elections Commission meeting, the legislature passed a bill that allows counties to subtract from the number of voters per precinct, the number of permanent vote-by-mail voters (VBM) in that precinct to determine the number of eligible voters within that defined boundry of voters. The only criterium is that the percentage of VBM voters does not exceed the number of voters who are not VBM voters.

Director Arntz said that this will have no effect on this November's election but when redistricting is done next year this new bill will take effect.

The bill helped the Department to modify its ballot order for the coming election because state law requires that we order enough ballots for 75% of the registered voters in a precinct, so the number of permanent VBM voters was taken in account and that order of 75% will be enough. In the past, there have been too many ballots, and this has been an expense that we can now minimize because of this bill.

8. New Business

(a) Update from the Director regarding the "Audio Voter" equipment and its ability to read back the ranked candidates, and other voter equipment remedies since the November 2009 election.

Director Arntz reported that the issue regarding the Audio Voter was that when a voter used the touch screen and voted in a Ranked Choice Election (RCV), the audio would say the name of the candidate the voter chose for their first, second and third choice. But when the voter tried to review his or her selection, the audio would not tell the voter the ranking that was chosen.

The Secretary of State has allowed San Francisco and Alameda to put a disclaimer in place that tells the voter that they will not hear the rankings in the audio ballot on the Edge machine that these counties use.

There was an issue in the November 2009 election in which the Chinese character screen would not allow voters to review their selections after they voted. The State accepted the San Francisco Elections Department's plan to inform voters, at several points during their navigation of the voting process, to use the "back button" which will take the voter to their most recent screen.

The Director reminded the Commission that in the recent June election, the Department needed to increase the RAM (Random Access Memory) on the touch screens because there was an abundance of ballot information and the memory cartridge of the Edge machine needed more memory. The Director said that if the larger memory is not needed for this November, he would still like to keep it for future elections. There is a good possibility that the Department will be able to purchase larger memory cartridges from Riverside County in the future because that county has more than they need because they have lowered the number of touch screens they use per polling site.

President Phair asked if the Department purchased the increased RAM or did it come from Riverside. Director Arntz answered that the increased RAM has been installed by the vendor and does not expect this to be an additional expense for the Department. President Phair complimented the Director for finding these economic solutions.

- (b) **Discussion and possible action to approve the Voter Profile Resolution and approval of forwarding the resolution to the media in the form of an OpEd with additional information regarding its importance.** Commissioner Gleason to present.

Commissioner Gleason said that this impacts approximately 20 to 25 percent of the voters in San Francisco. He said he is willing to write an opinion article for the press to get this issue out to the public because it is important that voters know that the personal information on their voter registration forms, such as their email address and/or their telephone number, is kept private by the Department of Elections and not given to campaigns or the public. This information is important when the Department needs to contact a voter to let that voter know that there may be a problem with the ballot they received or if the voter forgot to sign their ballot.

Commissioner Gleason said that he will prepare an opinion article regarding the importance of having contact information for voters on file at the Department of Elections, and he will present it to the Commission at its September 15, 2010 meeting.

9. **CLOSED SESSION**

- (a) Discussion and possible action regarding whether to hold closed session for attorney-client communication on matters of pending litigation, held pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance Section 67.10(d)

Closed Session began at 6:30 pm for attorney-client communication regarding:

ProtectMarriage, et al. v. Bowen, et al. (E.D. Cal., filed January 7, 2009, Case No. 2:09-cv-0058-MCE-DAD)

Dudum, et al. v. Arntz, et al. (N.D. Cal., filed February 4, 2010, Case No. 10-cv-00504-RS)

Field, et al. v. Bowen, et al. (San Francisco Superior Court, filed July 28, 2010, Case No. CGC-10-502018)

Alba-Swanson, et al. v. Arntz, et al. (San Francisco Superior Court, filed August 10, 2010, Case No. CGC 10 502446)

Commissioner Gerard Gleason left the CLOSED SESSION (at 6:47 pm) before discussion of the following case:

Arntz, et al. v. Superior Court of California for the City and County of San Francisco (Cal. Court of Appeal, First Appellate District, Division Two, filed July 28, 2010, Case No. A129173) (writ proceeding challenging decision in *Alioto-Pier v. Arntz et al.*, San Francisco Superior Court, Case No. CGC-10-500796, filed June 17, 2010)

CLOSED SESSION ended at 6:58 pm and Commissioner Gleason returned.

10. Discussion and vote regarding closed session deliberations or actions.

Commissioner Safont MOVED and Commissioner Matthews SECONDED that the Elections Commission finds that it is in the best interests of the public to not disclose its closed session deliberations or actions regarding the cases discussed in closed session.

The Roll Call Vote was UNANIMOUS to not disclose.

11. **Discussion regarding items for future agendas**

President Phair suggested that a member of the Voting Systems Task Force or Mr. Roger Donaldson present an update at the September Elections Commission meeting. Commissioner Gleason to present his opinion article for the media on The Voter Profile Resolution and a presentation regarding post election audits in Humboldt County. Commissioner Gleason said that he will forward information on AB2023 regarding scanning post election ballots to the members of the Commission. The Commission will decide, after reading the information, whether to schedule this on the September calendar as well. President Phair asked that the temporary appointment of Gail Hilliard be on the September agenda.

ADJOURNMENT at 7:04 pm



ELECTIONS COMMISSION
City and County of San Francisco

Joseph B. Phair, President
Winnie Yu, Vice President
Gerard Gleason
Richard P. Matthews
Rosabella Safont
Arnold Townsend
Derek E. Turner

John Arntz
Director of Elections

Commission Secretary

Elections Commission Meeting
Wednesday, September 15, 2010
At 6:00 pm
City Hall Room 408

AGENDA

GOVERNMENT
DOCUMENTS DEPT

Order of Business

SEP 13 2010

1. Call to Order & Roll Call
2. Public comment on any issue within the Elections Commission's general jurisdiction
3. Announcements
4. APPROVAL OF MINUTES

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PUBLIC LIBRARY

(a) Discussion and possible action to approve the Minutes of the August 18, 2010 Elections Commission Meeting.

5. Director's Report
 - Division Updates

• Ballot Distribution	• Poll Locating/ADA
• Budget/Personnel	• Poll Worker Division
• Campaign Services	• Technology Division
• Outreach	• Voter Services
• Publications	• Election Security



**Election Plan
Consolidated General Election
November 2, 2010**

I. Introduction

The Department of Elections (Department) drafts an Election Plan prior to every election as required by San Francisco Charter section 13.103.5. The Election Plan provides information on how the Department will conduct an election in a manner that is free, fair, and functional. Afterwards, the Elections Commission will assess whether the Election Plan allowed for elections that are free, fair, and functional. Following is the plan for the November 2, 2010 Consolidated General Election.

This Plan is organized according to the subject matters listed below.

- II. Dates and Deadlines
- III. New Practices
- IV. Voter Outreach and Education
- V. Pollworker Recruitment and Training
- VI. Voting Equipment
- VII. Polling Places
- VIII. Ballots
- IX. Election Night
- X. Vote Counting
- XI. Remaking Ballots
- XII. Reporting Election Results
- XIII. Canvassing of Election Materials

II. Dates and Deadlines

- September 3: Preparation begins for mailing ballots to overseas voters
- October 4:
 - Early Voting begins in City Hall, 8 a.m. to 5 p.m.
 - Mailing of Vote-By-Mail ballots begins
 - Deadline to mail Voter Information Pamphlet to people registered to vote by September 23 (San Francisco Municipal Elections Code 500)
- October 22: Chinese and Spanish Voter Information Pamphlets mailed by this date
- October 18: Deadline to register to vote
- October 26: Deadline for voters to request Department to mail Vote-By-Mail ballots.
- October 23 and October 24; October 30 and October 31:
 - Weekend Early Voting at City Hall, 10 a.m. – 4 p.m.
- November 2: Election Day
- November 4: Official Canvass period begins
- November 30: Deadline for Department to certify the election

III. New Practices

A. Moving Ballots From Insights to Blue Ballot Boxes

The optical scan tabulation equipment – Insight – at the polling places has the capacity to hold approximately 1200 cards. Since all voters will receive five-card ballots, the number of cards voted at polling places possibly could exceed the holding capacity of the Insights. For these reasons, the Department will deliver an additional ballot box to every polling place to allow the moving of ballot cards, if necessary, from the Insight into the additional ballot box. Thus, each polling place will have this extra ballot box, which is blue, and the customary red ballot box used for holding Provisional ballots and Vote-by-Mail ballots dropped off by voters.

Throughout Election Day, the Department will instruct the poll workers and Field Election Deputies (FEDs) to periodically note the number of voted ballots in the Insights by monitoring the Insights' LED counter. If at any point during Election Day, especially before 5 p.m., if Insight LED counters indicate a number of 700 or greater, the FEDs for those polling places with the assistance of the polling place Inspectors will transfer voted ballots from the Insight into the blue ballot boxes. After the voted ballots are moved, the blue boxes will be sealed and will remain at the polling places until the polls close.

Whenever ballots are moved from the Insights to the blue boxes, the FEDs will announce to voters of why the ballots are being moved. Voters will be advised to call the Department if they have any questions regarding this process.

B. Scanner/Sorter for Vote-by-Mail Return Envelopes

The Department is planning to partially automate the scanning of bar codes on the return Vote-by-Mail envelopes and the sorting of these return envelopes according to precincts after signature verification. The Department will participate in a pilot project with Runbeck Election Services and use Runbeck's newly developed equipment. Runbeck will station a technician nearly full-time while the Department operates the equipment.

The pilot program will allow the Department to determine the potential efficiencies with automating the Vote-by-Mail program. For this election, the Department will continue to manually verify each signature on the return envelopes. The equipment will capture the signature on each returned Vote-by-Mail envelope and then allow Department staff to compare these captured images side-by-side with the signature files scanned from every voter's registration card.

C. Extra Bar Code on Vote-By-Mail Ballots

The Department will have an additional bar code printed on each Vote-by-Mail ballot card. The bar code identifies only the technical information associated with card and cannot be used to connect cards with specific voters. For example, the bar code contains information indicating the precinct, ballot type, and if the card is the first, second, third, fourth, or fifth card of a ballot. The Department will use the bar code when the optical scan machines located in the Department's City Hall office to process Vote-by-Mail ballots cannot read cards during processing. Using the bar codes will allow the Department to better track the number of cards that the machines were unable to read and which required manual review.

IV. Voter Outreach and Education

The Department of Elections is obligated to comply with federal, state, and local mandates regarding voter outreach and education. The Department has met these obligations in the past and will continue to meet these obligations in the future through the Voter Outreach and Education Program.

The Voter Outreach and Education Program for the Consolidated General Election will maintain objectives from previous years as well as criteria governed by the California Elections Code, the Voting Rights Act, the Help America Vote Act (HAVA), and San Francisco's Equal Access to Services Ordinance.

The objective of the Voter Education and Outreach Plan is to identify and register qualified electors; to educate San Francisco voters and the general public about San Francisco's voting process by increasing voter understanding and awareness of election laws and procedures; to provide hands-on presentations on San Francisco's accessible voting system called the "Edge II"; and to educate voters on services available for limited English-speaking voters, as well as Chinese- and Spanish-speaking voters, and persons with disabilities.

The Department will also look to increase awareness of resources on its website – sfelections.org – including a downloadable voter registration form, an on-line Vote-By-Mail application, online Voter Information Pamphlet, and look-up tools.

The Department will accomplish program objectives by taking a broad approach and distribute voter information to voters in all parts of San Francisco. The Department will further target specific communities with additional voter education and outreach. These communities include populations protected under the Voting Rights Act such as limited English-speaking and Chinese- and Spanish-speaking voters, seniors, persons with disabilities, younger voters, ex-offenders, limited English-speaking Russians-speakers, immigrants, and communities with low voter turnout.

Staffing

For the November 2, 2010 Consolidated General Election, the Voter Outreach and Education Division will be staffed with outreach coordinators who speak the following languages:

- One (1) English/Mandarin/Cantonese;
- One (1) English/Spanish; and
- One (1) English/Russian

Brochures

For the November 2, 2010 Consolidated General Election, the Department will produce and distribute brochures and posters throughout San Francisco at community presentations, street fairs and festivals, and registration drives. Copies of all brochures and posters will also be made available for distribution by community organizations, with electronic versions available for download from the Department's website.

In compliance with the Voting Rights Act and San Francisco's Equal Access to Services ordinance, voter education materials will be translated into Chinese and Spanish. Additionally,

some materials will be produced in Russian. To reach out to individuals with sight impairments, large-print and Braille versions of some materials will be produced and distributed to organizations that serve the disabled community.

Community Presentations

The Department's Outreach Division will begin conducting community presentations during the second week of September. Presentations will be conducted at locations throughout San Francisco such as community centers, schools, places of worship, and organization and neighborhood meetings. To meet the language needs of organizations, presentations will be conducted in English, Cantonese, Mandarin, Spanish, and Russian. To accomplish this goal successfully, the Department will hire bilingual outreach coordinators in order to communicate effectively in the voter's spoken language.

The Department will also use other formats to meet and educate voters face-to-face such as voting machine demonstrations, participation in street fairs and festivals and tabling at commercial outlets.

This Department will also continue to partner with the San Francisco Sheriff's Department's Prisoner Legal Services (PLS) whose staff operates the Inmate Registration and Voting Program. The PLS program is designed to provide voting materials and assistance to individuals imprisoned or awaiting trial who are eligible to register to vote and request a Vote-By-Mail ballot. The Department provides the necessary information and materials to the PLS liaison who then educates the populace and facilitates the registration and voting of those eligible individuals.

Media

The Department will utilize the media to communicate important election information to San Francisco voters and the general public by sending press releases informing the media of important election-related events and dates.

The Department will also utilize media serving people whose primary language is not English. Bilingual outreach coordinators will actively solicit interviews with Chinese, Spanish, and Russian language television and radio stations. Bilingual coordinators will also hold press briefings to emphasize multilingual voter services along with other important outreach messages to ethnic communities.

Advertising

The Department of Elections will run print advertising in 14 San Francisco Neighborhood Newspapers. English-, Chinese-, and Spanish-language advertising will also run in 1100 MUNI buses during September and October and will be displayed in 19 bus shelters and 68 bus lines.

Website

The Department will continue to maintain website information that includes important dates and deadlines, a list of frequently asked questions, information on different voter services provided to the voters by the Department. Voter education materials will also be available for download along with a calendar of outreach events.

eNewsletter

The Department will send eNewsletters directly to voters using email addresses collected from voter registration affidavits. eNewsletters will be used to provide important voter information directly to voters and include links to information on candidates and measures and services provided by the Department. The content of the eNewsletter will primarily be in English with information in Chinese and Spanish directing recipients to where they can find information in those languages. The Department plans to send three eNewsletters: October 1, October 13, and November 1.

V. Pollworker Recruitment and Training

A. Pollworker Recruitment

For the November 2, 2010 Consolidated General Election the Department will recruit approximately 2,500 pollworkers. Each polling place will be staffed with four pollworkers: one Inspector and three Clerks. In addition to 567 Inspectors and 1805 Clerks that will be assigned to work at the precincts, the Department will recruit 100 stand-by pollworkers to station at City Hall for dispatch to precincts as needed on Election Day.

For this November, the Department plans to select 70% of adult pollworkers from a pool of experienced clerks and inspectors and 30% from new applicants. The Department will open the Pollworker Intake Room to conduct testing and process new applicants on September 14. New pollworkers will be recruited through various sources such as Craigslist, community-based organizations, San Francisco State University and the University of San Francisco.

The Department will continue to expand its services to voters who may need language assistance on Election Day. For the November 2, 2010 Consolidated General Election, the Department plans to exceed the 3% standard imposed by the California Elections Code, Chapter 4, Article 1, Section 12303 (b)-(c) by placing at least one bilingual pollworker in every precinct where 10 or more registered voters have requested election material in Chinese or Spanish.

The Department will further target precincts where language assistance may be required by placing Chinese- and Spanish-speaking pollworkers in every precinct where 25 or more registered voters were born in Chinese- and Spanish-speaking countries.

In summary:

- 354 precincts (61% of 567 polling places) will be staffed with Chinese-speaking pollworkers; and
- 153 precincts (27% of 567 polling places) will be staffed with Spanish-speaking pollworkers.

B. Pollworker Training

Pollworker training is conducted each election as mandated by the California Elections Code and the Secretary of State's Training Task Force. The training for the upcoming November 2, 2010 Consolidated General Election will continue to cover the following topics:

- Proper operation and Department policies regarding the voting system;

- Rights of voters, including language access rights for linguistic minorities, voters with disabilities, and other protected classes as defined in the federal Voting Rights Act;
- Cultural competency, including adequate knowledge of diverse cultures and languages that may be encountered by pollworkers during the course of election day; Knowledge regarding issues confronting voters with disabilities including, but not limited to, access barriers and need for reasonable accommodation; and
- Provisional voting.

Approximately 2,500 pollworkers will be trained in 125 training classes conducted at several locations near City Hall in the month preceding the election. Training for Clerks will begin on Tuesday, September 28, 2010 and training for Inspectors will start on Tuesday, October 26, 2010. The classes will include an updated training manual and multilingual glossary of election terms that the Department will provide all pollworkers.

Different class curricula will be developed to support the training of all types of election workers: Inspectors, Clerks, and Student Clerks. Clerk classes will last one and one-half hours; Inspector classes will last two hours.

VI. Voting Equipment

The Department of Elections is required by law to conduct Logic and Accuracy (L&A) testing of all vote-tabulating equipment prior to each election. L&A testing is used to verify that the specific ballot information for each precinct is correct and to check the performance of the vote tabulating equipment. L&A testing ensures that all votes are recorded properly and tabulated accurately.

A Logic and Accuracy Testing Board oversees the testing, approves the test plan and certifies the results of the test. The L&A Board, which is composed of registered voters from different fields of work is responsible for reviewing and pre-approving the Test Plan, and later, for reviewing and approving the overall result of the test. The L&A Board must approve and certify the testing no later than seven (7) days before the election (California Elections Code Section 15000). For the November 2, 2010 Consolidated General Election, L&A testing must be certified by October 26. After Department of Elections' staff have completed testing all the machines, the results are presented to the L&A Board.

Logic and Accuracy testing consists of running a set of marked test ballots (using applicable ballot types) through each voting machine and comparing the vote count with predetermined results to verify the accuracy of the formulated software for a specific election.

Testing for the 400-C machines located in the Department's computer room in City Hall and used primarily to tabulate Vote-By-Mail ballots will occur on September 21 – 23; testing for the Insights, which the optical scan tabulators used in each polling place, will occur from September 23 – October 4; and testing for the Edge II touch screen machines also placed in each polling place, will occur October 5 – October 20, and the testing for the Edge II machines used for early voting will occur on October 1.

Note: The scheduled dates for the testing will be made public at least three (3) days prior to the start.

8A (6)

A. Testing of Voting Equipment Used in Polling Places

For the November 2, 2010 Consolidated General Election, the "Insight" and the Edge II voting machines are stored in the Department's warehouse at Pier 48, Shed B, which is located near AT&T baseball stadium in San Francisco. The warehouse has been renovated to be a secure facility. As a security precaution, all workers and visitors are required to wear an identification badge. During non-working hours, the warehouse is secured by card-keyed locks, video surveillance cameras, motion detectors, and alarms continuously monitored by a security service.

When the precinct test ballots arrive from the printer, ballot test decks are prepared and transported to Pier 48 to begin Logic and Accuracy testing of San Francisco's precinct voting system. At least 567 Insight machines and 567 Edge II machines as well as associated printers, card activators and audio devices will be tested for use on Election Day.

The memory packs and ID cards are sorted and distributed to each machine for testing. Test decks are read into each Insight and a tape and ballot image precinct report is printed for each precinct; the report is proofed for accuracy by Department staff. After this verification, the information contained in the memory pack is uploaded into the voting system's database for printing test results.

A precinct report is printed from these results. The report is proofed for integrity and accuracy by another departmental review team. After verification of the report, the memory packs are returned to the Insight testing personnel, placed in the Insight machine, and reset to zero values. Once an Insight has been successfully tested, a serialized seal is attached to the memory pack cover to ensure that no untimely or unauthorized removal of the pack will occur. The Insight is then securely stored by precinct number in preparation for delivery to the precincts; it is now ready for use on Election Day.

The Edge testing involves the running of a vote simulation that automatically casts pre-determined votes over a set number of ballots. After the simulation is completed, the VVPAT is printed for each machine and then each VVPAT is reviewed to confirm that the results match the test script. Staff will also conduct manual voting by using the touch-screen interface to input test votes to determine whether the machines are properly registering votes.

During this manual interface, other functionalities such as audio and connectivity for assistive devices are tested to ensure that they are working correctly. Language translations will be reviewed and finalized outside of L&A by another group before the testing. This is done for each ballot type, which, for the November 2, 2010 Consolidated General Election there are 42 ballot types to be tested.

B. Vote-By-Mail Ballot Equipment

For the November 2, 2010 Consolidated General Election, there are 23 mail-in precincts. Ballots for these precincts, as well as all Vote-By-Mail ballots, will be tabulated using the 400-C Central Count machine. The testing of the 400-C is planned to occur on September 21 - 23. The Department will publicly notice the scheduled dates for testing at least three days before testing begins. The 400-C machine is located in the Department's computer room in City Hall. The testing of the 400-C machine is conducted similarly to the "Insight" testing.

After testing of the vote tabulating machines, the results are presented to the Logic and Accuracy Board (L&A) for approval and certification. The L&A Board must certify and approve testing results no later than seven (7) days before an election.

VII. Polling Places

A. Delivery of Voting Equipment and Election Materials to Polling Places

Prior to Election Day, the Insight, Edge II, blue supply boxes, red boxes and additional supplies are delivered to the 567 polling places throughout San Francisco. After scanning the bar codes on each of these items that provide the precinct numbers to which the equipment is assigned, warehouse staff pull the Insights and place them on rolling racks, organized according to predetermined delivery routes. The Insights are then double checked by Department staff prior to loading on the proper delivery van. Department staff and delivery vendor staff together double check the Insights, using a route sheet, as they load the trucks. The Edge II is left sealed in a "banker's bag" that is sealed with a serialized lock, which is verified by the Inspector on Election Day. Department and delivery staff cross check the Insight and Edge II precinct number and the address of the facility against the route sheet. After confirming the information is correct, they initial each other's route sheets for accountability.

B. Retrieval of Voting Equipment and Election Materials from Polling Places

The day after the Election, the Department in conjunction with Dominion Voting Systems and a moving company, begins retrieving the voting equipment, including the Edges, Insights, grey Insight bins, and red supply boxes and will continue to do so through the following Sunday. Staff searches each polling place for any election-related materials that may have been overlooked on Election Night. If any materials are found, they are placed in the red supply box.

Upon arrival at Pier 48, the red boxes and Edges are scanned in and stacked in a secure area of the warehouse; grey bins with corresponding Insights are also scanned in and lined up numerically in rows. In addition to the barcode scan, a manual tally is kept to account for each Insight.

The contents of each red box are then emptied one at a time, and piece-by-piece returned to the box. A DOE staff records on a spreadsheet the number of ballots, the precinct number of the red box they were found in, and whether or not they have been voted. Ballot stubs and registration cards are also collected.

Concurrently, each gray Insight auxiliary bin and bins #1 and #2 are unlocked and thoroughly searched. If and when ballots are found, the precinct number, the bin they were found in, the amount and whether or not they were voted, is recorded on the same spreadsheet.

When all of the bins and red supply boxes have been searched, the ballots, stubs and registration cards that were found, are then placed in a red transfer box and the lid is sealed. The DOE staff sign and place a seal on the lid of the boxes to ensure the containers are sealed. A copy of the spreadsheet is taped to the top of the box.

A member of the Department staff then brings the box to the canvass supervisor, and they both sign the chain of custody form.

VIII. Ballots

A. Vote-By-Mail Ballots

- Sealed Vote-By-Mail ballots are sent from the printer to the USPS main office on Evans Street in San Francisco for mailing which can begin on October 4, 2010.
- Subsequent requests for Vote-By-Mail ballot will be mailed as the Department receives applications.

B. Vote-By-Mail Generic Ballots

- Unvoted Vote-By-Mail generic ballots used at the Department's early voting counter in City Hall will be secured in City Hall Room 59.

C. Returned Vote-By-Mail Ballots

- The Department will securely store all voted Vote-By-Mail ballots in the Department's office at City Hall Room 48.

D. Precinct Ballots and Precinct Generic Ballots

Unvoted precinct and precinct generic ballots are staged in Brooks Hall and distributed to polling place Inspectors from the City Hall Cafeteria and City Hall Room 34. Rice Bags and precinct ballots will be distributed to the polling place Inspectors upon their completion of training classes beginning Tuesday, October 26 through Saturday, October 30. If Inspectors cannot pick up their ballots after training class, the Department may deliver the cards to their residences.

IX. Election Night: Transporting and Securing Precinct Ballots after the Polls Close

The Sheriff's Deputies will retrieve the voted and unvoted ballots from the polling sites and transport them to the Department's Processing Center at Pier 48. At the Processing Center the voted and unvoted ballots will be separated and accounted for and the Department will begin readying the voted Vote-By-Mail and Provisional ballots for transport to City Hall for tallying.

At the close of voting, voted ballots must be removed from the Insight optical scan tabulator and the Red Box and readied for transport to the Department's warehouse at Pier 48. Pollworkers are to reconcile the number of remaining unused ballots with the number delivered to the precinct and the number used on the Posted Ballot Statement (PBS). A copy of the PBS must be posted outside each polling place along with the Insight results tape. Pollworkers must take down the voting booths and ready the equipment and supplies for later pick up.

The pollworkers will remove the memory devices from the Insight and the Edge II touch screen and ready them for retrieval by Parking Control officers from the Department of Parking and Traffic and then transported to City Hall. The ballots and Voter Verified Paper Audit Trail (VVPAT) memory devices will be taken to the Department's Processing Center at Pier 48 by Deputy Sheriffs.

Sheriff's deputies will also obtain the Provisional and Vote-By-Mail ballots that have been dropped off at a polling place and transport these items to the Department's Processing Center at Pier 48. Sheriff's deputies will escort the transport of these ballots to the Department's office in

City Hall the day after the election. Department staff are to process all Provisional and Vote-By-Mail ballots to determine whether they can be accepted or must be challenged. Challenged ballots are neither opened nor counted whereas accepted ballots are opened, extracted and prepared for tabulation. California election law (California Elections Code Section 10262) allows 28 days following an election for the election official to conduct the official canvass and certify the election results.

X. Vote Counting

A. Counting Vote-By-Mail and Early-Voting Ballots

Each Vote-By-Mail ballot packet the Department mails to voters includes a postage-paid return envelope. The return envelope includes a designated space for voters to sign and printed on each envelope is a label with the voter's name and address. Upon receipt, the Department compares the signature on the return envelope to the image file scanned from signature affixed to the voter's registration card which the Department keeps on file (California Elections Code Section 3019). After the signature comparison, the voter's voting history is updated. Properly submitted ballots are then sorted by precinct.

Bins of sorted Vote-By-Mail ballots are then opened by a worker who slides the envelope through a slicing machine, extracts the ballot. Throughout this period, the side of the envelope with the voter's identifying information is kept facing downward so as to protect the voter's privacy. Extracted ballots are then delivered to the Central Count location in City Hall.

The polling place roster will indicate whether the Department issued to a voter a Vote-By-Mail ballot by approximately ten (10) days or more prior to the election. If the voter has requested a Vote-By-Mail ballot, this too will be noted in the roster and the voter will have to surrender the Vote-By-Mail ballot before being issued a precinct ballot or the voter will have to cast a Provisional ballot. The Department also provides to each polling place a supplemental list of voters who requested Vote-By-Mail ballots and which is printed the day before Election Day. The pollworkers use this supplemental list to update the rosters with the most recent information possible.

- The Department of Elections begins processing Vote-By-Mail ballots after the mailing of Permanent Vote-By-Mail ballots on October 4 by reviewing the signatures on the envelopes upon their arrival. The Department can begin opening the envelopes seven business days before the election – October 22.
- For this election, Vote-By-Mail ballots are to be processed at the Central Count location in the Department's computer room in City Hall using the 400-C optical scanning machines. After the ballots are verified, the Ballot Distribution division receives the accepted ballots. The ballot envelopes are then sorted by precinct number, opened, and extracted in Room 59 in City Hall. Once the ballots are removed, they are prepared for counting in the DOE Computer Room; header cards are placed between each precinct and log sheets are completed for each box of voted ballots. When ballots are moved from Room 59 to the Computer Room, a transport log is used to ensure the chain of custody. During ballot counting, any ballot that cannot be processed by the 400-C machine is set aside for manual review and

“remake” if required. The 400-C machines also separate write-in ballots which will require manual review and tally.

- During the canvass process, ballots from the auxiliary bin on the Insights are also reviewed. Once the Department determines during the canvass – the reconciliation and review of all election materials sent to the polling places – that the auxiliary bin ballots have not been counted by the Insight on Election Day at the polls, the ballots are transported to the Central Count location in City Hall. They are then processed through the 400-C machines, similar to the way Vote-By-Mail and Provisional ballots are counted.
- At the polling places, Vote-By-Mail voters will place their voted ballots into the red ballot box. After delivery to City Hall by Sheriff's Deputies, the ballots will be reviewed and then sorted by precinct number before being tabulated using the 400-C machine. A transport log is to be completed when ballots are moved from one location to another as well as from the processing room to another location to ensure the chain of custody. During the ballot count, any ballot that cannot be processed by the 400-C is set aside for remake, similar to the way Vote-By-Mail and Provisional ballots are processed for remake.

B. Counting Precinct Ballots

Precinct ballots are scanned at the polling places after voters place their voted ballot cards into the Insight machines. The vote is tallied and stored in the memory pack in each Insight. Also, votes cast on the Edge II touch screen are stored on a memory device. The memory pack from the Insight and the memory cartridges from the Edge II will be retrieved by Parking and Control Officers from the Department of Parking and Traffic and transported to City Hall. The memory pack information from the Insights will be uploaded into the tabulation database; however, the information from the Edge memory device will not be uploaded for this election and used as official tallies. The paper ballots and VVPAT will be transported to Pier 48 by Deputy Sheriffs and the votes recorded on the VVPAT will be remade onto paper ballot cards at Pier 48. These paper ballots will be counted using the 400-C machines at City Hall.

C. Counting Provisional Ballots

San Francisco will use 41 ballot types for this election. Provisional envelopes contain the ballots of voters whose names did not appear on the roster of the polling place in which they voted. Provisional ballots require individual review by a Department of Elections employee who compares the signature on the pink envelope to the voter's signature on the affidavit of registration on file. This process is performed by using the registration database to identify the voter and determine whether the voter is registered and which ballot type the voter should have voted according to the voter's current residential address. The database is programmed to compare whether the ballot type issued to the voter is the ballot type the voter is entitled to vote, in which case all of selections for the candidates and measures will be counted for the entire ballot. The “Help America Vote Act” (HAVA) and California Election Code Section 14310 (3)(b) states, “If the ballot cast by the voter contains candidates or measures on which the voter would not have been entitled to vote in his or her assigned precinct, the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in

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his or her assigned precinct." Provisional ballots are challenged and will not be counted for the following reasons:

- Identity of the voter cannot be determined;
- Envelope is not signed;
- Envelope is not sealed;
- No residential address provided;
- Signature does not compare or match to the voter registration on file;
- No ballot is enclosed; and/or
- The signature is printed.

Provisional voting on the Edge II will involve issuing the voter with a voter card that is activated for Provisional voting only. The card activator will indicate a reference number on its display which will be noted by the pollworkers on the Provisional envelope. This number will be used to reference to that ballot during tabulation once accepted to be included in the election's tallied results.

XI. Remaking Ballots

Under certain circumstances, when a ballot is lawfully cast but unreadable by the vote counting equipment, the Department of Elections must "remake" the ballot so it can be read and processed by the equipment. For example, ballots that are torn, bent, folded, dirty, damp or damaged must be remade. The remade ballot must reflect the voter's intent insofar as the voter's intent can be determined from the defective ballot. This process takes place in the Department's conference room from October 22 until November 3, and after November 3 will take place in City Hall Room 34, and may continue until the election is certified. Votes recorded on the VVPAT from Edge touch screens will remade onto paper ballot cards at Pier 48.

California Elections Code Section 15210 requires the Department to remake ballots when the voter used a pencil or pen that cannot be read by the vote counting equipment, or when the voter marked a sample or photocopied ballot rather than an actual ballot. Under certain circumstances, voters are permitted to use sample ballots and photocopied ballots when actual ballots are not readily available.

The unreadable ballot is called the "original." The duplicate ballot is called the "remake." The remake process, like all aspects of ballot processing, is open to the public

What is the Process for Remaking Ballots?

All Vote-By-Mail and Provisional ballots (and any precinct ballot cards that were not inserted in and processed by an Insight machine at the polling place) are processed using the 400-C machine. If the Central Count 400-C machine segregates a ballot for any reason, the ballot must be reviewed by a Remake Team to determine whether a remake is necessary.

Each Remake Team consists of four members – two Screeners, and two Markers. Working together, the two Screeners review each ballot to determine whether a remake is necessary.

A ballot card must be remade if:

- The ballot card is torn;
- The ballot card is ripped;
- The ballot card is bent, folded, creased or wrinkled;

- The ballot card is damp, dirty or sticky;
- The ballot card has ink smudges;
- The ballot card has a stray mark in the "read path";
- The ballot card has eraser marks or eraser holes;
- The voter used a pencil or pen that cannot be detected by the vote counting equipment; and/or
- The voter failed to mark the ballot by connecting the head and tail of the arrow (as directed in the voting instructions) but instead used an incorrect mark, and used the same incorrect mark for every contest.

Examples of incorrect marks are:

- The voter circled the candidate's name;
- The voter circled part or all of the arrow;
- The voter underlined part or all of the arrow;
- The voter made an "X" through the arrow;
- The voter used the space provided for write-in candidates for each contest to write in the name of a candidate whose name is actually printed on the ballot;
- The voter marked the ballot by connecting the head and tail of the arrow next to the name of a single candidate, and in addition used the space provided for write-in candidates for the contest to write in the name of the same candidate and/or
- The voter marked the ballot by connecting the head and tail of the arrow next to the name of a single candidate, and connected the arrow next to the name of another candidate for the same office but then crossed out that mark.

If the Screeners have any questions about whether a ballot must be remade, they should address their questions to the Department of Elections manager supervising the remake process (the "Manager"). If a question cannot be resolved by reviewing this guide, the question must be resolved by the Manager in consultation with the Director of Elections.

The remade ballot must reflect the voter's intent. The two Screeners, again working together, must determine the voter's intent from the original ballot. If the Screeners have any questions about the determination of voter intent, they should address their questions to the Department of Elections Manager supervising the remake process. The question must be resolved by the Manager in consultation with the Director of Elections.

If the two Screeners determine that a remake is necessary and that the voter's intent is clear, the Remake Team should obtain a blank ballot that is the correct ballot type for remaking the ballot. Working together, the two Markers must duplicate the votes cast on the original ballot on the remake ballot. The remake must reflect the intent of the voter, as determined by the Screeners. The Markers use ballot pens provided by the voting system vendor to ensure that the marks can be read by the vote count equipment.

The Markers must code both the original ballot and the remake with the following information:

- "V" to indicate that the original was an Vote-By-Mail ballot;
- "PV" to indicate that the original was a Provisional ballot;
- "E" to indicate that the original vote was on an Edge ballot;

- “PCT” to indicate that the original was a polling place ballot;
- Precinct number;
- Initials of the person marking the remake;
- Date the remake was made; and
- Number of the remake ballot in sequence number.

For example: For a Vote-By-Mail ballot, precinct number 3254, remade by MM on 11/20/10, where the remake was the first remake in a sequence starting with the number 001 (and continuing with 002, 003, etc...), both the original and remake would include the following coding:

AV 3254 MM 11/20/10001

The “remade” votes are placed onto a ballot clearly stamped “Duplicate.”

Common Situations for Remaking a Ballot

The following is a list of the most common situations in which the Department of Elections remakes ballots:

- A portion of the ballot card is torn off;
- The ballot card is ripped;
- The ballot card is bent, folded, creased or wrinkled;
- The ballot card is damp, dirty or sticky;
- The ballot card has ink smudges, eraser marks or eraser holes;
- The ballot has stray marks that could interfere with the ability of the equipment to count votes cast on the ballot; and/or
- The voter used a pencil or pen that cannot be detected by the vote counting equipment.

The Department of Elections determines when it is necessary to remake a ballot.

What are Examples of Incorrectly-Marked Ballots that are not Remade?

The following are examples of incorrectly marked ballots that are not remade by the Department of Elections (California Elections Codes § 15342 and 15208). These are votes that are not cast according to State law and for that reason the votes are invalid and may not be counted.

- The voter marked the ballot with a sticker or stamp to indicate the name of a write-in candidate;
- The voter wrote in the name of a qualified write-in candidate but failed to connect the head and tail or the arrow pointing to the space for write-in candidates; and/or
- The voter marked or signed the ballot so that the ballot can be identified by others as the voter's ballot.

When is the Remake Process Completed?

The remake process continues until all ballots have been examined and, if necessary, remade. The remakes are then counted and tabulated by precinct by the 400-C equipment. All ballots must be processed, counted and tabulated within 28 days of the election.

- Write-In Votes for the Insight

Throughout the write-in process, the procedures for Precinct Insight Ballots, Vote-By-Mail/Mail Ballots, Provisional Ballots and Auxiliary Bin Ballots are similar, but the cards are counted and stored separately.

After confirming that all cards with write-ins have been received (by comparing physical card counts for each precinct with the Insight and 400-C counts), the Department segregates the cards by precinct and follows the procedures set out below for each type of card.

Ballot Cards with Write-In Votes

- Teams of two screeners separate cards with valid write-in votes from those with no valid write-in votes. Any overvotes or write-in votes that are not for certified write-in candidates for that contest (or candidates listed on the ballot) are stamped "VOID" in red ink across the write-in name(s).
- After all of the non-RCV ballot cards with write-in votes have been reviewed and separated, cards with no valid write-in votes are set aside for storage and a tally of votes for qualified write-in candidates is begun. This tally will be recorded on the Unofficial Tally Sheet for Write-Ins with the appropriate box checked ("Precinct Insight Ballots," etc.).
- Each recording team will consist of four people: the Caller, the Observer, and two Recorders. In addition, a Monitor will oversee the workflow.
- For each card, the Caller will read aloud the precinct number, the card number (if applicable), the contest that contains a valid write-in vote, and the contents of the name field. The Observer, who sits close enough to the caller to be able to read the ballot, will ensure that the Caller is correct. Each Recorder will look for the candidate's name on an Unofficial Tally Sheet for Write-Ins. This sheet lists only qualified write-in candidates (certified write-in candidates plus candidates whose names appear on the ballot) for each contest. Each recorder will write the corresponding precinct number on the tally sheet, in the first available slot next to the candidate's name.
- This process will continue until each contest with a valid write-in vote has been recorded.
- Continue until all ballot cards with write-in votes have been processed.
- Each Recorder will then enter the total number of votes for each qualified write-in candidate for each contest. There will now be two identical, simultaneously generated Unofficial Tally Sheets for Write-Ins, one from each Recorder.
- If the two Unofficial Tally Sheets do not match, the ballot cards will be reviewed until the cause for the discrepancy is determined and the discrepancy is resolved.
- The Vote-By-Mail, Provisional, and auxiliary bin ballot cards are processed following the same procedures as the precinct Insight ballots, with one exception:
- In the event of an overvote in which a candidate listed on the ballot is selected and the *same* candidate is also indicated as a write-in vote, this should be accepted as a valid write-in vote for that candidate, rather than treated as an overvote. The reason for this difference in handling is that a voter who has voted via a mailed ballot or has voted Provisionally or using the auxiliary bin has not been given the opportunity to correct the overvote; the duplicate vote for the same candidate must be interpreted as intent to select that candidate.
- Once all ballot cards with write-in votes have been processed, the results are recorded on the Unofficial Tally Sheets for Write-Ins for Precinct Insight Ballots, Vote-By-Mail

Ballots, Provisional Ballots and Auxiliary Bin Ballots will be reviewed and tallied by the Department for reporting purposes.

1. Only certified write-in candidates (from certified write-in list)
 - a) Write-in is the only vote for that choice (no overvote):
Ballot card is ready for processing; no remake is necessary (unless another write-in choice requires a remake).
 - b) Write-in is not the only vote for that choice (overvote):
The voter's intent cannot be determined. The ballot card would have been initially rejected by the Insight machine at the polling place, allowing the voter the option to spoil and replace the overvoted ballot card. Ballot card is ready for processing; no remake is necessary (unless another write-in choice requires a remake).
2. Only candidates whose names appear on the ballot
 - a) Write-in is the only vote for that choice (no overvote):
The ballot card must be remade, with the candidate's name selected from the ballot list rather than written in. Other choices without write-in votes and other contests are recreated exactly as on the original ballot. *Refer to Remake Procedure*
 - b) Write-in is not the only vote for that choice (overvote):
The voter's intent cannot be determined. The ballot card would have been initially rejected by the Insight machine at the polling place, allowing the voter the option to spoil and replace the overvoted ballot card. Ballot card is ready for processing; no remake is necessary (unless another write-in choice requires a remake).
3. Only invalid candidates or blanks
 - a) Write-in is the only vote for that choice (no overvote):
The ballot card must be remade, with the choice that included the write-in skipped, and other choices without write-in votes and other contests recreated exactly as on the original ballot. *Refer to Remake Procedure*
 - b) Write-in is not the only vote for that choice (overvote):
The voter's intent cannot be determined. The ballot card would have been initially rejected by the Insight machine at the polling place, allowing the voter the option to spoil and replace the overvoted ballot card. Ballot card is ready for processing; no remake is necessary (unless another write-in choice requires a remake).
4. Any combination of the above
A supervisor will review these ballot cards and advise staff of further actions to be taken, using the procedures above as guidelines.

XII. Reporting Election Results

A. Reporting Results on Election Night after the Close of Polls

After the polls close, the Department will first release results at approximately 8:45 p.m. which will represent the tallied results from the Vote-By-Mail ballots received before Election Day.

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The Department will tabulate and release results from votes cast at the polling places as they become available until 100% of precincts have reported. The results will be displayed on a large-screen television in the North Light Court in City Hall, SFGTV Channel 26, and on the Department's website: www.sfelections.org.

B. Updates: Reporting of Results after Election Day

The Department will report results on a near-daily basis around 4 p.m. for up to three weeks following Election Day. The subsequent releases will include results from votes cast at the polling places, remaining Vote-By-Mail ballots, and Provisional ballots. The Department intends to make final election results available within 28 days of the election.

XIII. Canvass of Election Materials: Final Report and Certification of Election Results

California State law requires an official canvass, which is an internal audit of the election to ensure the accuracy and validity of the results. This entails numerous manual processes that verify the accuracy of the computer count, including a hand tally of ballots cast in 1% of the polling places. California election law allows 28 days following the election for the Department to conduct the canvass and certify the results. The canvass is open to the public. California Elections Code § 15301 requires the official canvass to begin no later than the Thursday following Election Day.

Official canvass tasks include, but are not limited to, the following:

- Inspection of all materials and supplies returned from polling places;
- A reconciliation of the number of signatures on the roster with the number of ballots recorded on the ballot statement;
- In the event of a discrepancy in the reconciliation required by subdivision (b), the number of ballots received from each polling place shall be reconciled with the number of ballots cast, as indicated on the ballot statement;
- A reconciliation of the number of ballots counted, spoiled, canceled, or invalidated due to identifying marks, overvotes, or as otherwise provided by statute, with the number of votes recorded, including Vote-By-Mail and Provisional ballots, by the vote-counting system;
- Processing and counting any valid Vote-By-Mail and Provisional ballots not included in the semifinal official canvass;
- Counting any valid write-in votes;
- Remaking any damaged ballots, if necessary; and
- Reporting final results to the governing board and the Secretary of State, as required.

DEPARTMENT OF ELECTIONS
City and County of San Francisco
www.sfelections.org



JOHN ARNTZ
Director

September 1, 2010

**Re: Waiver Allowing City Employees to Assist the Department of Elections with the
November 2, 2010 Consolidated General Election**

TECHNICAL SUPPORT

Number of City Employees: 10

Departments: Department of Technology, General Services Agency, and City Attorney's
Office.

Voice (415) 554-4375
Fax (415) 554-7344

1 Dr. Carlton B. Goodlett Place, Room 48
San Francisco CA 94102-4634

Vote-By-Mail Fax (415) 554-4372
TTY (415) 554-4386



John Arntz
Director

Memorandum

To: Elections Commission

From: John Arntz, Director

Date: September 1, 2010

Re: Waiver Allowing City Employees to Assist the Department of Elections with the
November 2, 2010 Consolidated General Election

This memorandum requests that the Elections Commission approve the Department of Elections' (Department) request for the Board of Supervisors to waive the prohibition under Charter section 13.104.5 that disallows City employees from assisting the Department in the conduct of elections. The Department seeks a general waiver of this prohibition so the Department is able to utilize the services and expertise of City personnel when necessary; however, the Department presently expects to require the assistance of approximately 10 people from other City departments.

The Department will require technical assistance to upload the vote tallies contained in the memory packs that will be transported from each polling place to City Hall, as well as preparing the information for results reporting. The memory packs record the voting that occurs in the polling places on vote tabulation machines. The City personnel will assist in uploading the voting information contained inside the memory packs into the central count system located in the Department's computer room in City Hall Room 48.

While the uploading of the voting information from the memory packs will last a few hours after the polls close, the Charter prohibits City personnel from providing such assistance to the Department. (13.104.5).

Except as provided below, no City employee or officer, other than the Director of Elections, an appointee of the Director of Elections or a member of the Elections Commission, may in any capacity perform any function relating to the conduct of an election that this Charter places under the Department of Elections. This section prohibits City personnel from providing to the Department of Elections services that are unique to that department. . . . The Elections Commission may, upon the recommendation of the Director of Elections request from the Board of

September 1, 2010

Supervisors a waiver of this prohibition so as to allow City employees and officers to assist the Department of Elections. The Board of Supervisors shall approve or deny such requests from the Elections Commission by motion.

The Department does seek to conduct elections exclusively with its permanent and temporary staff, but we find it necessary in some instances to utilize the skills of City personnel who work with other departments. Thus, after considering staffing needs for the November 2, 2010 Consolidated General Election, I recommend that the Elections Commission request from the Board of Supervisors a waiver of the prohibition of City employees performing election-related tasks and allow City personnel to assist the Department of Elections.

The Department requests that this be a general waiver in order to provide flexibility in planning for the election. Still, at this time the Department has identified the need for the assistance of approximately ten people from other City Departments. The personnel work in the departments listed in the attachment to this memorandum.

I will be glad to answer any questions you might have on this matter.

Encl; waiver request list

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Current Job Openings | My Applications | Update Contact Info | Job Descriptions/Future Openings | Dept of Human Resources

SAN FRANCISCO

1446 Secretary II
(Elections Commission Secretary)
Recruitment #PEX-1446-056826

Department: Department of Elections
Date Opened: 9/25/2010 8:00:00 AM
Filing Deadline: Continuous
Salary: \$22.45 - \$27.29/hour
Job Type: Permanent Exempt
Employment Type: Part-Time

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INTRODUCTION

The City Charter authorizes the Elections Commission to supervise the City's Department of Elections. The Commission sets general policies for the Department; it also selects and supervises the Director of the Department of Elections.

The Elections Commission has regularly scheduled meetings on the third Wednesdays of each month at 6:00 pm, City Hall, and has one standing committee with regularly scheduled meetings the first Wednesday of every month at 6:00 p.m. at City Hall. Special Meetings may be called as needed.

Appointment Type: Permanent Exempt, part time appointment, not to exceed 20 hours per week or 1040 hours in 12 months. Exempt employees are considered "at will" and serve at the discretion of the appointing officer.

Number of positions: The San Francisco Election's Commission is accepting resumes for one (1) position.

Nature of work: Evening hours will be required once per month (usually the third Wednesday of the month), and occasionally, a second evening per month (usually the first Wednesday of the month, if necessary). Outside of these meetings, the remainder of the 20 hours per week can be a regular schedule agreed upon by the successful applicant and the Commission president.

Essential Duties:

Under direction, acts as the Secretary to the Elections Commissioners; prepares the Elections Commission calendar and records official acts of the Commission, provides secretarial services of a difficult and responsible nature for the Elections Commission. Essential functions include the following:

- Prepares and distributes agenda, notices, minutes and resolutions of the commission; maintains records of meetings and official actions of the commission; certifies all Commission documents and resolutions; prepares correspondence for members of the Commission.
- Types minutes of meetings from audio recordings of the meetings, and manages the edits suggested by Commissioners.
- Facilitates communication and transmission of documents between and among Commissioners, the Director of Elections, and/or legal counsel, as needed; and maintains a public file for certain communications as required by relevant public meetings/open government laws and ordinances.
- Organizes Commission and Committee meetings, including: preparing the agendas with direction from the Commission president or committee chair; publishing the agendas in accordance with applicable laws; preparing and distributing meeting packets to Commissioners and principals, as well as having extra copies for the public; bringing materials to the meetings; ensuring the audio recording of the meetings, and, if necessary, posting notices of cancellations in accordance with applicable laws.
- Types a wide variety of letters, memoranda, reports and other materials from copy or verbal instructions; may compose routine correspondence in accordance with standard practice and policies.
- Screens office and telephone callers; personally assists those whose business does not warrant seeing the superior; screens incoming correspondence and routes accordingly; answers a wide variety of inquiries and explains office operations, policies and procedures.
- Maintains office files for correspondence and records; maintains manuals and updates resource

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materials.

- Makes appointments and arranges meetings for the Commissioners, makes travel arrangements as required.

MINIMUM QUALIFICATIONS

1. Ability to type 55 net words per minute by using a typewriter and/or word processor; AND
2. Two (2) year of secretarial experience encompassing editing and independently composing letters and other correspondence utilizing word processing systems; researching, compiling and organizing data for various reports; and maintaining office/record systems; OR:
3. Three (3) years of verifiable clerical experience comparable to a 1424 Clerk Typist.

Notes:

1. A recognized clerical training program of 240 hours or the equivalent of 15 semester units in graded clerical college units may substitute for up to 6 months of experience.
2. City and County employees received credit for duties of the class to which appointed. Credit for experience outside of the employee's class is allowed only if recorded in accordance with the provisions of Civil Service Commission Rules.

Desired Qualifications:

- Twelve months of experience with basic internet research
- Three months experience posting meeting agendas
- Knowledge or ability to learn the basic rules governing public meetings and open government
- Ability to manage correspondence for more than one commissioner
- Ability to type from audio recordings

SELECTION PLAN

Verification of Experience:

Applicants may be required to submit verification of qualifying education and experience. Verification of experience, when requested, must be on the employer's letterhead and must show the name of the applicant, job title(s), duties, dates of service, and must be signed by the employer.

City employment may be verified by submitting a performance evaluation in lieu of other verification. City and County employees will receive credit for the duties of the class to which appointed. Credit for experience obtained outside of the employee's class will only be allowed if recorded in accordance with the provisions of Civil Service Commission Rules. A copy of a diploma or transcripts must be submitted to verify the qualifying education when requested. Verification may be waived if impossible to obtain. Waiver requests will not automatically be granted, but will be considered on a case-by-case basis.

Notes:

Applications will be screened for relevant qualifying experience. Those applicants most qualified will be offered interviews. Possession of minimum qualifications does not guarantee an interview.

In compliance with the Immigration and Reform Act of 1986, all persons entering City and County employment will be required to prove their identity and authorization to work in the United States.

Qualified applicants with disabilities requiring reasonable accommodations for this selection process must contact the department by telephone at (415) 557-4926 or in writing at the address listed above as soon as possible.

Minorities, Women and Persons with Disabilities are Encouraged to Apply
An Equal Opportunity Employer

HOW TO APPLY

Applications for City and County of San Francisco jobs are being accepted through an online process. Visit www.jobaps.com/sf to begin the application process by registering an account.

Click and select the 1446 Secretary II Announcement
Click on "Apply" and read and acknowledge the information
Click on "I am a New User" if you have not previously registered, or on "I have Registered Previously"
Follow instructions given on the screen

If you have any questions regarding this recruitment or application process, please contact Lillian Chow (415)557-4926.

Computer kiosks are located in the lobby of the Department of Human Resources, One South Van Ness, 4th Floor, San Francisco, CA, for use by the public to apply for City jobs. The hours of operation are from 8:00 a.m. to 5:00 p.m. Monday through Friday.

DISASTER SERVICE WORKERS

All City and County of San Francisco employees are designated Disaster Service Workers through state and local law (California Government Code Section 3100-3109). Employment with the City requires the affirmation of a loyalty oath to this effect. Employees are required to complete all Disaster Service Worker-related training as assigned, and to return to work as ordered in the event of an emergency.

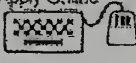
BENEFITS

All employees hired on or after January 10, 2009 will be required (pursuant to San Francisco Charter Section A8.432) to contribute 2% of pre-tax compensation to fund retiree healthcare. In addition, most employees are required to make a member contribution towards retirement, typically a 7.5% of compensation. For more information on these provisions, please contact the personnel office of the hiring agency.

Click on the link below to apply:

Fill out the Application
NOW using the
Internet

Apply Online



Contact us via conventional means

You may contact us by phone at (415) 557-4800, or apply for a job in person at the Department of Human Resources.

[contact us](#) | [accessibility policy](#) | [disclaimer](#) | [privacy policy](#)

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Generate Printed Bulletin

6. Commissioners' Reports

- Meetings with public officials
- Oversight and Observation activities
- Long-range planning for Commission activities and areas of study
- Proposed legislation which impacts elections

7. Old Business

- (a) Discussion and possible action to approve the Voter Profile Resolution and approval of forwarding the resolution to the media in the form of an OpEd with additional information regarding its importance.
Commissioner Gleason to present.

8. New Business

- (a) Discussion and possible action to approve the Election Plan for the November 2, 2010 Consolidated General Election.
- (b) Discussion and possible action to approve the Waiver Allowing City Employees to Assist the Department of Election with the November 2, 2010 Consolidated General Election.
- (c) Presentation and demonstration on post-election audit pilot project in Humboldt County.
Commissioner Gleason to introduce Mr. Mitch Trachtenberg of the Humboldt County Transparency Project
- (d) Discussion and possible action to hire a Commission secretary, including but not limited to defining the position's description and qualifications; and approving procedures for posting the position and hiring an individual to fill the position.

9. Discussion regarding items for future agendas

Adjournment

Disability Access

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Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE, DONNA HALL, CLERK, CITY HALL, ROOM 409, 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4683 AT PHONE NO.: (415) 554-7724; FAX NO.: (415) 554-7854; E-MAIL: DONNA_HALL@CI.SF.CA.US. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

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Lobbyist Registration and Reporting Requirements

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City and County of San Francisco

Elections Commission

APPROVED

Minutes of the Meeting at City Hall Room 408

September 15, 2010

Call to Order:

President Joseph Phair called the meeting to order at 6:02 pm.

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SEP 23 2010

Roll Call:

Present:

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President Phair, V. President Winne Yu, Commissioners Gerard Gleason, Richard Matthews, Rosabella Safont, Director of Elections, John Arntz and Deputy City Attorney, Mollie Lee

Excused:

Arnold Townsend

Announcements :

President Joseph Phair announced that he had contacted the Board of Education, regarding the vacancy left by Derek Turner.

Commissioner Matthews announced that the BOPEC meeting for October 6, 2010 has been rescheduled to October 27, 2010, at 6:00pm, Room 263.

1. Discussion and possible action to approve the minutes of the August 18, 2010 Commission meeting.

The roll call vote was UNANIMOUS to approve the minutes.

2. Director's Report.

Ballot Distribution:

Preparing for three special elections: Mission Miracle Mile Business Improvement District, Ocean Avenue Community Business Improvement, Retirement Board Election Preparing for delivery of ballots coordinating security with the Sheriff's office.

Outreach:

Conducting neighborhood presentations such as for this weekend they will be attending Autumn Moon Festival in Chinatown. Muni ads should be posted on buses and bus

shelters this week Ads will appear in 16 neighborhood newspapers and are scheduled to begin over the next two weeks.

Publications:

Ballots have been completed and at the printer, voter information pamphlets are nearly complete, two of four sections are currently being printed.

Poll Locating / ADA:

Precinct Services is still relocating cancelled sites. Currently 13 polling places need to be relocated and all are in precincts in which polling places are difficult to locate. All of the polling places may not be located before voter information pamphlets are mailed, so the Department will likely need to send change of polling place notices to some voters.

Poll Worker Division:

Fifteen hundred poll workers have been recruited which is 65% of the total desired number. Rooms for 114 poll workers have already been secured; Classes for clerks will begin on September 28th and the poll worker's manual has been posted online.

Technology Division:

Database Development continues. Logic and Accuracy (L&A) database additions are now completed allowing for more specific tracking of the testing of backup equipment (EDGE), insight and all EDGE components separately in addition to the tracking of equipment during staging and delivery. Poll workers may go online this profile will go live this week. Poll workers will be able to login and check their Training Classes and Polling place assignment information including directions to the classroom/polling place from their home. Inspectors will also be able to see information about the clerks assigned to their precinct and can track information regarding bilingual requirements. The election has been defined in the database and system and testing has begun.

Voter Services:

Most recently we have been conducting voter file maintenance in preparation of extracting files for the permanent vote-by-mail to send to the printer, overseas and military voter files have been sent to the printer.

Election Security:

The Sheriffs requested that the Ethics Commission consider whether Prop B would have a material financial impact on the deputies who would be providing security for the election. The ethics Commission quickly organized a special meeting and ultimately voted unanimously that the ballot measure would not adversely impact the deputy's work. The potential impact of the measure cannot be known on specific deputies and also impacts would apply to most city employees including those working with the Department of Elections. **Commissioner Matthews**, inquired as to what was the outcome of the

meeting with the Postal Service, Commissioner Gleason's responded he had not met with the Postal Service.

3. Commissioners Report:

4. Old Business:

Discussion and possible action to approve the Voter Profile Resolution and the approval of forwarding the resolution to the media in the form of an Op Ed with additional information regarding its importance. President, Phair agreed with suggestions that perhaps the report could be condensed and any grammatical errors be addressed. Commissioner Matthews agreed to assist with Commissioner Gleason to make any needed adjustments. President, Phair asked that this be presented at October's meeting.

5. New Business:

(A). Discussion and possible action to approve the election plan for November 2, 2010.

Moved by Commissioner Matthews, seconded by Commissioner Safont. The roll call vote was unanimous to approve.

(B). Discussion and possible action to approve the waiver allowing City Employees to assist the Department of Elections with November 2, 2010 Consolidated General Election.

Moved by Commissioner Matthews, seconded by Commissioner Safont. The roll call vote was unanimous to approve.

(C). Discussion and possible action to hire a Commission Secretary, including but not limited to defining the positions description and qualifications and approving procedures for posting the position and hiring an individual to fill the position.

Commissioner Matthews stated the classification 1446 most closely compares to the job description. President Phair, explained that because of the hiring freeze, this could possibly pose an issue, however he feels that the commission will be able to go forth with the hiring process. City Deputy Mollie Lee agreed with President Phair, however cautions that procedures must be adhered too. Commissioner, Safont

agreed to take on the responsibility of receiving the applications and working with Commissioner Yu, to aid in the interviewing process of the applicants.

Moved by Commissioner Matthews, seconded by Commissioner Safont. The roll call vote was unanimous to approve.

(D). Presentation and demonstration on post-election audit pilot project in Humboldt County.

Commissioner Gleason introduced guest speaker Mr. Mitch Trachtenberg of Humboldt County Transparency Project. Mr. Trachtenberg gave a brief overview of a pilot project in Humboldt County to scan and make publicly available images of all voted ballots from public elections in that county. A PowerPoint presented by Mr. Trachtenberg is linked here.

Meeting Adjournment 7:15 pm.

ELECTIONS COMMISSION
City and County of San Francisco



Joseph B. Phair, President
Winnie Yu, Vice President
Gerard Gleason
Richard P. Matthews
Rosabella Safont
Arnold Townsend

John Arntz
Director of Elections

Gail Hilliard
Commission Secretary

Elections Commission Meeting
Wednesday October 20, 2010
At 6:00 pm
City Hall Room 408

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OCT 15 2010

AGENDA

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Order of Business

1. Call to Order & Roll Call
2. Public comment on any issue within the Elections Commission's general jurisdiction
3. Announcements
4. APPROVAL OF MINUTES

(a) Discussion and possible action to approve the Minutes of the September 15, 2010 Elections Commission Meeting.

5. Director's Report
 - Division Updates

• Ballot Distribution	• Poll Locating/ADA
• Budget/Personnel	• Poll Worker Division
• Campaign Services	• Technology Division
• Outreach	• Voter Services
• Publications	•

6. Commissioners' Reports

- Meetings with public officials
- Oversight and Observation activities
- Long-range planning for Commission activities and areas of study
- Proposed legislation which impacts elections

7. Old Business

- (a) Discussion and possible action to approve the Voter Profile Resolution and approval of forwarding the resolution to the media in the form of an OpEd with additional information regarding its importance. Commissioner, Gleason to present.
- (b) Discussion and possible action to hire a Commissions Secretary, including but not limited to defining the position's description and qualifications; and approving procedures for posting the position and hiring an individual to fill the position. Commissioner, Safont to present.

8. New Business

- (a) "Discussion and possible action to adopt performance criteria for review of the Department of Elections Director. President, Joseph Phair to present.

9. Discussion regarding items for future agendas.

Adjournment

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Arnold Townsend

John Arntz
Director of Elections

Gail Hilliard
Commission Secretary

City and County of San Francisco
Elections Commission
Minutes of the Meeting at City Hall Room 408
October 20, 2010

1. **Call to Order & Roll Call:**

Vice President Winnie Yu, called the meeting to order at 6:10pm.

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2. **Roll Call:**
Present

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Vice President Winnie Yu, Commissioners Gerard Gleason, Commissioner Richard Matthews,
Commissioner Rosabella Safont and Commissioner Arnold Townsend

Present also: Director John Arntz, Deputy City Attorney Mollie Lee

Excused

President: Joseph Phair

3. **Announcements**

None

4. **Discussion and possible action to approve the Minutes of the September 15, 2010 Elections Commission Meeting.**

The roll call vote was UNANIMOUS to approve the minutes.

5. Director's Report

Ballot Distribution:

Inventoried and reviewed over 1.5 million ballot cards. Overall, we mailed nearly 200,000 Vote by Mail (VBM). Preparing cards allocated to specific precincts. Begun mailing VBM scanning/sorting equipment and it seems to be going very well. Preparing for the Community Benefit District Election for the Ocean Avenue, the tallying will take place on November 16.

Budget/Personnel:

Processing requisitions for staff, equipment and materials. We are getting prepared to have all the people and materials at the various departments.

Campaign Services

The office has become very busy, especially Mondays within the last couple of weeks there has been an increase in the traffic at the front desk. Phone bank has been operating and having busy sessions: averaging 200-300 calls. We are prepared for Open House tomorrow Thursday October 21, from 3-5 pm.

Outreach:

We have been conducting presentations, focusing on registration for the past few weeks.

Publications:

All books are in the mail stream for English, Chinese and Spanish. All books are on the website. Large print books are still in the process of being prepared. Audio information is complete and available at the library.

Poll Locating / ADA:

We have all polling places located we are finalizing delivery routes to assure the equipment gets to the polling sites. We are preparing to train drivers for delivery routes and getting them prepared for loading of equipment and supplies for the poll sites.

Poll Worker Division:

We have all of the poll workers for the precincts fully staffed all bilingual requirements have been met. The division continues to recruit standby poll workers. Fifteen hundred poll workers have been trained; approximately 1100 poll workers are yet to be trained this Saturday, which is the last day for the clerks classes; Inspector classes will begin next Tuesday all 64 Field Elections Deputies (FEDs) have been recruited; this coming Saturday is the last day of FED training preparing for Field Election Deputy's materials and routes. Elections Center preparation is in a full swing.

Technology Division:

Database Development continues working on tracking generic ballot tracking database Vote by Mail (VBM)/Provisional Vote (PV) database. When VBM/PV is received on elections night we will be able to count and track them more quickly. Preparing registration reports for Secretary of State, which is common requirement for every election. We are getting equipment and computers ready for elections day for the various divisions.

Voter Services:

Preparing to key in several thousand (5000) Voter Registration Cards (VRC) since Monday will be the deadline. In preparation for operating new scanning/sorting equipment that we are piloting with Brunback Election Services which we are doing well. We've have been verifying signatures: Received over 30,000 VBMs. Staffing early voting counters: over 1200 people have visited, which is a pretty good number. Supporting Inmate Voting, we have been very busy we have processed approximately 350 applications from inmate voters.

6. Commissioners' Reports

Commissioner Matthews, ask Director Arntz, if there have been any anomalies? Director Arntz, replies that there have been no anomalies, that there were approximately 1800 VBM ballots that had to be redone, they got into the process later and were taken to the mail drop later than the larger group on October 4. It has been a normal election process up to this point. That a lot of the calls coming in from the public have been angry, not at us or City Hall it has been consistent and we see it. The turnout is expected to be stronger than the last election in 2006 which was at 60% and we are tracking about that now, with an increase of VBM, it is expected to be greater. Up to this point we have had some 1200 people walk in to our office. Commissioner Matthews, What is the cause that the 1800 ballots needed to be redone? Director Arntz, replies there are two issues the first is with the five ballots plus inserts, were more than their equipment or anyone's before we are aware of them, as well as being able to back track and fix problems equipment could handle. There were some ballots for whatever the reason did not assemble perfectly and it took them about a week before we received them back. The second issue was once packages were received they were taken to the Post Office, where we learned that the Post Office, do to cutbacks no longer except bulk mail on the weekends, we are not putting blame on the Post Office however if we had been able to mail them on that date it would prevented a lot of the calls, we lost delivery time. The vendor has been very responsive, in most cases alerting us to problems. Commissioner Gleason, Mentioned he wishes to thank Director Arntz, for mentioning the five card ballots and the use of ballot worksheets to be used at the precincts, this will be helpful. Commissioner Gleason, ask that sometime after the first of the year that Director Arntz and Deputy City Attorney Mollie Lee, to provide information to the commission, information such as what entities can put Measures on the ballot, like Measure AA, just so we know as a commission what types of things come before the voters and which things are covered by municipal election code and which things that are not covered. There are situations where we do, and other situations where we do not accept paid ballot arguments on certain bond measures, such as Tax Rate statement vs. Physical statement from the controllers. Perhaps that after the first of the year when things are a little slower, a presentation could be provided for clarification. Commissioner Yu, request from Commissioner Gleason just what information he is requesting, Gleason responds explains for an example if the School Board puts on a bond issue, they do not allow paid ballot arguments on the ballot. Commissioner Gleason, goes on to state that this is the Municipal Transportation Agency, which is the eleventh number to the board. Deputy City Attorney Mollie Lee, with respect to Measure AA on this elections ballot the State Law give San Francisco Transportation Authority the right however this was unusual, this was specific and something we had not experienced before and it did not include a general guide. In other cases the ED code and the California Elections guide provide more detail guidance when other entities put measures on the ballot. I will provide a full report in January.

Commissioner Gleason, Comments that his son turned 18 years of age a couple of week ago and registered with DMV and find out he was not registered at all. Feels that we are perpetuating fraud, that if he had not gone through the steps necessary his son would have assumed he was registered. This is a serious issue, and feels that we need to have further discussion.

7. Old Business

(a) Discussion and possible action to approve the Voter Profile Resolution and the approval of forwarding the resolution to the media in the form of an op-ed with additional information regarding its importance. Commissioner Gleason, he and Commissioner Matthews worked on this project and have submitted a draft which has been given to all of the commissioners. Commissioner Gleason,

Motions to have this item submitted as a by line from the San Francisco Elections Commission this item was voted. The roll call vote was UNANIMOUS to approve this Motion.

Public Comment:

Jean Stelato, from San Francisco State University, Reporter from Golden Gate Express News Paper: Would like to have clarification of item 7(a). *Commissioner Gleason*, will provide additional information, guest speaker was provided with a copy of the proposed Op Ed submission.

(b) Discussion and possible action to hire a Commission Secretary, including but not limited to defining the positions description and qualifications and approving procedures for posting the position and hiring an individual to fill the position. *Commissioner Safont*, states that all information has been forwarded to Human Resources on October 25th it appears the job has been graded down from 1446 to 1444. *Commissioner Matthews*, Human Resources has requested this position be listed for at least 10 days.

8. New Business:

(a) Discussion and possible action to adopt performance criteria for review of The Department Of Elections Director.

1. *Commissioner Matthews*, request this be held over for the next meeting in November until President Phair, is available.

9. Discussion regarding items for future agendas:

Commissioner Gleason, suggest a discussion of the Motor Voter Program.

10. Meeting adjourned at 6:35 pm.

Ten years after the great election debacle of 2000, we still face problems in counting every vote cast. In 2000, the most famous problems involved ballots that were ambiguous because of a combination of voter carelessness and an error-prone voting method. While these issues were not new and were known to elections workers for years, it took a close election to spur action. Congress passed the Help America Vote Act. It provided money for counties to update voting equipment. It also ensured all voters have access to provisional ballots and increased use of vote-by-mail. These were all crucial issues of voter protection.

But close elections are not that rare, so counting every vote cast is important no matter what. (See sidebar.) Recent close elections in Great Britain and Australia renew debates about optimal voting systems.

Year	Election	Vote Margin
2000	US President (Florida)	537
2004	Governor Washington	129
2007	Mayor Vallejo CA	3
2008	US Senate Minnesota	312

While the Florida election revolved around ballots that were themselves ambiguous, what about if ballots are perfectly clear, but are forbidden by law from being counted due to a correctable error made by the voter? It is true that whether you vote in person or vote by mail, you are provided quite a lot of instructions—in your Voter Information Pamphlet, on the ballot cards, verbally by pollworkers, on posters at polling places, and so on. But realistically, officials must acknowledge this: people lead busy lives and pay varying degrees of attention to every instruction they are given, and individual ones can be easy to overlook.

This exact scenario occurs in every election and involves a vital part of securing the integrity of elections: No matter the method of voting, every voter must provide a signature that matches the voter's registration—after all, only duly registered voters should vote. When voting in person on Election Day, voters are guided by a pollworker to sign their name in the precinct roster, with practically 100% compliance with this requirement. In contrast, vote-by-mail (VBM) ballots collect this signature on the return envelope. If the voter did not sign the envelope or the signature does not match the records at the elections office, the ballot cannot be counted by law. When these kinds of correctable problems are encountered, the elections office can engage in a bit of customer service and contact the voter to offer the opportunity to correct the issue. As Election Day draws closer, the only effective ways to contact a voter in sufficient time to get a signature by the end of Election Day are by phone or e-mail.

The problem: California voter registration forms state that providing a phone number or e-mail address is optional. Many voters choose not to provide the optional contact information because California law allows personal voter registration data to be made available to others—such as telemarketers or political campaigns and their “robocalls.”

Currently, elections offices can and do contact voters who submit incorrectly executed VBM envelopes, effectively rescuing those votes from not being counted. They call by telephone if the voter gave a

number. If there is no telephone number or e-mail address, the only remaining option for is slower postal delivery. For VBM ballots submitted days before an election, postal contact may not reach the voter in time.

Furthermore, voters are not the only ones who make errors with ballots. Unfortunately, the exacting and unforgiving nature of elections administration and technology sometimes produces errors. During the recent June 2010 Election, a vendor for the San Francisco Department of Elections mistakenly mailed some 1500 incorrect ballots to voters. The Department discovered the error and took quick action by contacting voters who might have been affected. Luckily, there was enough time to contact voters by postal delivery if they did not provide a telephone number. Had this been discovered closer to Election Day, timely and direct contact would not have been possible for every voter.

The next close election could involve the question of the disqualified improperly executed VBM ballots. Did some of the disqualified ballots result in a successful provisional ballot being cast by a voter who was alerted to the problem with the original VBM ballot, but other VBM were not notified of their errors in time to take action to cast a valid ballot? Could an elections department contact some but not all voters in a timely fashion? Was everyone's right to have a vote count equally protected? Questions of some non-compliant voters being helped but not others could be the hanging chad of the future.

One solution: change the state Election Code to give voters the power to provide contact information *for administrative use only*, stipulating that it would not be released to other parties if the voter does not wish it to be. It is time that voters be given the power to control their own contact data and be safe in providing it to their local elections office in case there is a problem, but not for general use of anyone who knows how to request a disc for pennies that contains all known contact information for every voter in the county. This proposed change to the Elections Code is a voter protection issue. This could help us prevent the next Florida 2000 or Minnesota 2008.

Who would oppose such a commonsense proposal? Basically, every political party, elected official, campaign operative and consultant, and everyone else who has a stake in collecting, sorting, and mining voters' personal information. The entrenched political structure of California is literally in a conflict of interest with voters: the establishment wants easy access to personal information, even at the expense of scaring many voters away from providing to their elections officials the very data that could rescue their votes someday. Contact your state assembly member and state senator to let them know that you would like to protect your vote by giving your local election official your phone number or e-mail address, but don't want telemarketers or campaigns to get it. Tell them to change the Elections Code. Tell them what they should already know: this is a voter protection issue of growing importance as more citizens vote by mail.

**Elections Commission Meeting
Wednesday November 17, 2010
At 6:00 pm
City Hall Room 408**

AGENDA

Order of Business

1. Call to Order & Roll Call
2. Public comment on any issue within the Elections Commission's general jurisdiction
3. Announcements
4. APPROVAL OF MINUTES
 - (a) Discussion and possible action to approve the Minutes of the October 20, 2010 Elections Commission Meeting.
5. Director's Report
 - Division Updates

• Ballot Processing	• Canvassing
• Budget/Personnel	• Poll Worker Division
• Campaign Services	• Technology Division
• Outreach	• Voter Services
• Publications	•

**GOVERNMENT
DOCUMENTS DEPT**

NOV 10 2010

6. Commissioners' Reports

- Meetings with Public Officials
- Oversight and Observation activities
- Long-range planning for Commission activities and areas of study

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11-10-10A11:50 RCV

- Proposed legislation which impacts elections

7. Old Business

- (a) Discussion and possible action to approve the Voter Profile Resolution and approval of forwarding the resolution to the media in the form of an OpEd with additional information regarding its importance. Commissioner, Gleason to present.
- (b) Discussion and possible action to hire a Commissions Secretary, including but not limited to defining the position's description and qualifications; and approving procedures for posting the position and hiring an individual to fill the position. Commissioner, Safont to present.
- (c) Discussion and possible action to adopt performance criteria for review of the Department of Elections Director. President Joseph Phair to present.

8. New Business

None

9. Discussion regarding items for future agendas.

Adjournment


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1444 Secretary I
(Elections Commission Secretary)
Recruitment #PEX-1444-056969

Department: Department of Elections
Analyst: Lillian Chow
Date Opened: 11/8/2010 2:00:00 PM
Filing Deadline: Continuous
Salary: \$19.42 - \$23.58/hour
Job Type: Permanent Exempt
Employment Type: Part-Time

[Go Back](#)[Apply](#)[View Benefits](#)**INTRODUCTION**

The City Charter authorizes the Elections Commission to supervise the City's Department of Elections. The Commission sets general policies for the Department; it also selects and supervises the Director of the Department of Elections.

The Elections Commission has regularly scheduled meetings on the third Wednesdays of each month at 6:00 pm, City Hall, and has one standing committee with regularly scheduled meetings the first Wednesday of every month at 6:00 p.m. at City Hall. Special Meetings may be called as needed.

Appointment Type: Permanent Exempt, part time appointment, not to exceed 20 hours per week or 1040 hours in 12 months. Exempt employees are considered "at will" and serve at the discretion of the appointing officer.

Number of positions: The San Francisco Elections Commission is accepting resumes for one (1) position.

Nature of work: Evening hours will be required once per month (usually the third Wednesday of the month), and occasionally, a second evening per month (usually the first Wednesday of the month, if necessary). Outside of these meetings, the remainder of the 20 hours per week can be a regular schedule agreed upon by the successful applicant and the Commission president.

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Under direction, acts as the Secretary to the Elections Commissioners; prepares the Elections Commission calendar and records official acts of the Commission, provides secretarial services of a varied nature for the Elections Commission. Essential functions include the following:

- Prepares and distributes agenda, notices, minutes and resolutions of the commission; maintains records of meetings and official actions of the commission; certifies all Commission documents and resolutions; types correspondence for members of the Commission.
- Types minutes of meetings from audio recordings of the meetings, and manages the edits suggested by Commissioners.
- Ensures documents are distributed to the Commissioners, the Director of Elections, and/or legal counsel, as needed; and maintains a public file for certain communications as required by relevant public meetings/open government laws and ordinances.
- Organizes Commission and Committee meetings, including: preparing the agendas with direction from the Commission president or committee chair; publishing the agendas in accordance with applicable laws; preparing and distributing meeting packets to Commissioners and principals, as well as having extra copies for the public; bringing materials to the meetings; ensuring the audio recording of the meetings, and, if necessary, posting notices of cancellations in accordance with applicable laws.
- Types a wide variety of letters, memoranda, reports and other materials from copy or verbal instructions; may compose routine correspondence in accordance with standard practice and policies.
- Screens office and telephone callers; personally assists those whose business does not warrant seeing the superior; screens incoming correspondence and routes accordingly; answers a wide variety of inquiries and explains office operations, policies and procedures.
- Maintains office files for correspondence and records; maintains manuals and updates resource

7B(1)

materials.

- Makes appointments and arranges meetings for the Commissioners, makes travel arrangements as required.

MINIMUM QUALIFICATIONS

1. Ability to type 50 net words per minute by using a typewriter and/or word processor; AND
2. One (1) year of secretarial experience. Experience must have included composing, editing and typing correspondence, reports, and memoranda: scheduling appointments, public contact, and maintaining files OR:
3. Two (2) years of verifiable clerical experience comparable to a 1424 Clerk Typist. Experience must have included typing correspondence, answering phones, and filing.

Notes:

1. A recognized clerical training program of 240 hours or the equivalent of 15 semester units in graded clerical college units may substitute for up to 6 months of clerical experience.
2. City and County employees received credit for duties of the class to which appointed. Credit for experience outside of the employee's class is allowed only if recorded in accordance with the provisions of Civil Service Commission Rules.

Desired Qualifications:

- Twelve months of experience with basic internet research
- Three months experience posting meeting agendas
- Knowledge or ability to learn the basic rules governing public meetings and open government
- Ability to manage correspondence for more than one commissioner
- Ability to type from audio recordings

SELECTION PLAN

Verification of Experience:

Applicants may be required to submit verification of qualifying education and experience. Verification of experience, when requested, must be on the employer's letterhead and must show the name of the applicant, job title(s), duties, dates of service, and must be signed by the employer.

City employment may be verified by submitting a performance evaluation in lieu of other verification. City and County employees will receive credit for the duties of the class to which appointed. Credit for experience obtained outside of the employee's class will only be allowed if recorded in accordance with the provisions of Civil Service Commission Rules. A copy of a diploma or transcripts must be submitted to verify the qualifying education when requested. Verification may be waived if impossible to obtain. Waiver requests will not automatically be granted, but will be considered on a case-by-case basis.

Notes:

Applications will be screened for relevant qualifying experience. Those applicants most qualified will be offered interviews. Possession of minimum qualifications does not guarantee an interview.

In compliance with the Immigration and Reform Act of 1986, all persons entering City and County employment will be required to prove their identity and authorization to work in the United States.

Qualified applicants with disabilities requiring reasonable accommodations for this selection process must contact the department by telephone at (415) 557-4926 or in writing at the address listed above as soon as possible.

General Information concerning City and County of San Francisco Employment Policies and Procedures: Important Employment Information for the City and County of San Francisco can be obtained at http://www.sfgov.org/site/sfdhr_page.asp?id=46208 or hard copy at 1 South Van Ness Avenue, 4th Floor.

HOW TO APPLY

Applications for City and County of San Francisco jobs are being accepted through an online process. Visit www.jobaps.com/sf to register an account (if you have not already done so) and begin the application process.

- Click and select the 1444 Secretary I Announcement
- Click on "Apply" and read and acknowledge the information
- Click on "I am a New User" if you have not previously registered, or on "I have Registered Previously"
- Follow instructions given on the screen

If you have any questions regarding this recruitment or application process, please contact Lillian Chow (415)557-4926.

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Computer kiosks are available for the public (from 8:00 a.m. to 5:00 p.m. Monday through Friday) to file online application in the lobby of the Department of Human Resources at 1 South Van Ness, 4th Floor, San Francisco.

DISASTER SERVICE WORKERS

All City and County of San Francisco employees are designated Disaster Service Workers through state and local law (California Government Code Section 3100-3109). Employment with the City requires the affirmation of a loyalty oath to this effect. Employees are required to complete all Disaster Service Worker-related training as assigned, and to return to work as ordered in the event of an emergency.

CONCLUSION

Terms of Announcement:

Applicants must be guided solely by the provisions of this announcement, including requirements, time periods and other particulars, except when superseded by federal, state or local laws, rules or regulations. Clerical errors may be corrected by posting the correction on the Department of Human Resources website at www.jobaps.com/sf.

Copies of Application Documents:

Applicants are encouraged to keep copies of all documents submitted. Submitted documents become a permanent part of the records and will not be returned. The hiring department may require applicants to submit the same documents and/or additional documents at a later date.

General Notes:

1. Applicants with disabilities requiring reasonable accommodation for this process must contact the analyst by phone (415) 557-4926 (voice) or by email (specify class 1444 Secretary I at lillian.chow@sfgov.org as soon as possible.
2. All persons entering the City and County of San Francisco workforce are required to provide verification of authorization to work in the United States. A 1986 federal regulation requires verification of employment eligibility. Candidates who are offered employment with City and County of San Francisco, must be able to provide proof of employment eligibility by providing original permanent employment eligibility documents.

Micki Callahan, Human Resources Director
Department of Human Resources
Announcement#: 056969
Issued: month/date/year
REG/LC/(415) 557-4926

BENEFITS

All employees hired on or after January 10, 2009 will be required (pursuant to San Francisco Charter Section A8.432) to contribute 2% of pre-tax ~~compensation to fund~~ retiree healthcare. In addition, most employees are required to make a member contribution towards retirement, typically a 7.5% of compensation. For more information on these provisions, please contact the personnel office of the hiring agency.

Click on a link below to apply for this position:

**Fill out the
Application NOW
using the Internet.**



We encourage you to submit your application on-line as this is the preferred application method. If you experience difficulties, please contact the exam analyst at the phone number listed on the above announcement.

Contact us via
conventional means.

You may contact us by phone at (415) 557-4800, or apply for a job in person at the Department of Human Resources.

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San Francisco Elections Commission
October 20, 2010 Meeting
Agenda Item 8(a) DOE Director Performance Review Criteria

Following are suggested performance criteria submitted by the Commissioners (four Commissioners responding -- no criteria suggestions received from two Commissioners or the Director) for use in performing the Commission's 2010 performance review of the San Francisco Elections Department Director per the requirements of the Commission's By Laws.

Commissioner 1

1. Efficient and effective interaction with the Elections Commission;
2. Ensures free, fair and functional elections with no or only non-material errors;
3. Communication: Effectively communicates the DOE's mission, strategy, goals and other essential information to the Elections Commission;
4. Teamwork: Builds and maintains an environment that contributes to effective teamwork with and among the DOE staff and with the Elections Commission; and
5. Education: Implements programs to effectively communicate with voters and educate them on elections timing, deadlines and procedures.

Commissioner 2

1. Management of elections, including dealing with anomalies or foul-ups;
2. Communication with the Commission (duty to report per SF Charter Sec. 13.104);
3. Management/administration of department [DOE] and personnel; and
4. Budget management.

Commissioner 3

1. Attitude: Interest and enthusiasm in job working with others, e.g. customers and staff; desire to learn and improve; identification with goals and policies of department and commission;
2. Flexibility: ability to manage changing work conditions and problem situations quickly and effectively; and
3. Dependability: willingness to accept assignments and to follow through.

Commissioner 4

1. Mission
 - a) Conduct of Public Elections;
 - b) Understanding of and implementation of election requirements: law, codes, deadlines; and
 - c) Innovation and initiative.
2. Management
 - a) Effective use of budget and resources; and
 - b) Effective use and management of personnel.
3. Effective interaction with the Commission
 - a) Providing information and disclosure.
4. Overall performance

City and County of San Francisco

Elections Commission

Minutes of the Meeting at City Hall Room 408

November 17, 2010

GOVERNMENT
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1. Call to Order:

6:06

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2. Roll Call: Present:

President Joseph Phair, Commissioner Rich Matthews, Commissioner Arnold Townsend, Gerard Gleason, Vice President Winnie Yu, (arrived at 6:09) Commissioner Rosabella Safont, (arrived at 6:15)

Present Also:

Director John Arntz, Deputy City Attorney Mollie Lee,

3. Announcements:

President Joseph Phair, put forth a MOTION. Deputy City Attorney Mollie Lee, request there be a deadline of 1 week prior to the meeting. President Joseph Phair, request that Deputy City Attorney, assist the Commissions Secretary on preparing this Motion and to give advice on preparations for Close Sessions. Commissioner Rich Matthews, Ask for more time regarding the Directors Review criteria by next year. President Joseph Phair, Agreed, the review will be done in closed session and Commissioners must have their information submitted by January 12th before the next scheduled meeting scheduled for January 19th.

The roll call vote was unanimous to approve the Motion.

Public speaker: Otto Duffy observed several polling places as he has for several Elections and compares the pollworkers he now sees as a trend of slight improvement.

Public Speaker: Debra Benedict worked at a polling place near Stonestown Shopping Mall and wishes to report that a person who was assigned as the Field Elections Deputy promised to return back to the polling place around 9:00pm however did not return until nearly 11:00pm. Information was reported and all was well. *President Joseph Phair, apologized.*

4. Discussion and possible action to approve the Minutes of the October 20, 2010 Elections Commission Meeting:

The roll call vote was unanimous to approve the Minutes.

5. Directors Report:

Ballot Processing: There are approximately 6,200 ballots remaining and some 32,000 ballot cards remain and we have started the Provisional Ballots, but we have not begun to process for district 3, 4 and 11.

Budget/Personnel: All workers have been disbursed to various operations. Employees verse temporaries all have return to our office and working on requisitions for materials and supplies.

Campaign Services: We have been very busy with Observers, there have been quite a number that have come thru we have sometimes been working until 12:00am thru the Thursday following the Elections Day.

Out Reach: Disbursed and in the canvass.

Publications: All are currently in the canvass

Canvess: Nearly complete estimates should be complete by next week before Thanksgiving, we have cut back on overtime.

Ballot Processing: Will be complete by next week.

Pollworker Division: Working on the Pollworkers payroll.

Technology: Working on information from the different departments and campaigns request.

Voter Services: Since the day after elections we have been working with approximately 209,000 Vote by Mail (VBM), 141,000 precinct, this is 67% return rate. We have not finished with the tally sheets we will be able to provide information by next week.

President Joseph Phair: Inquires if there are any close races? *Director John Arntz,* We have been focusing on district 2 and 10 and state wide race for Attorney General Harris vs Cooley, both campaigns have been talking about recounts. Propositions, we don't foresee any problems at this time. *President Joseph Phair,* Inquires how did you perform as far the budget? *Director John Arntz,* Good, by doing things more efficiently, having more people working on VBM, it appears VBM is approximately 60% this may be a tipping point we are seeing more VBM and roughly 16,000 provisional. *President Joseph Phair:* Do we have many voters VBM, who turn ballots in at the precincts? *Director John Arntz,* currently are no stats on this information.

Commissioner Gerard Gleason: Do we scan the roster before processing *Director John Arntz*, Yes.

Commissioner Rich Matthews: Do we have an update on the person who made away with the ballots? *Director John Arntz*, Yes, ballots have been located at the Palace of Fine Arts, in the pond and that person has been charged with three felonies. The Memory Pack has not been located at this point we estimate that approx. less than 75 ballots were involved. This occurred in district 11 however voters were able to continue voting. The wet ballots are being kept in the office and this point, I feel certain that the information can be retrieved, it will take time for them to dry and the paper is of a good quality which helps in this process. *Commissioner Rich Matthews*, It was reported that two polling places did not open on time? *Director Commissioner John Arntz*, Yes this was handled and all went well.

Public Speaker: Debra Benedict states she was an observer and is inquiring about the machine used for counting that resembles a conveyor belt located outside Room 48 at City Hall. *Director John Arntz* Yes this machine worked well, information was recounted to assure that it was correct and performing as it should.

Public Speaker: Otto Duffy, Comments on precincts located in the Tenderloin with comparisons to previous years, no real complaints.

6. Commissioners Report:

Commissioner Gerard Gleason, Commends the vendor for a job well done on the Ballots, everything from the perforation worked wonderfully. While in the polling place he surveyed there were more Vote by Mail (VBM) than pass elections with 16 provisional in which voters complained that had not received ballots. The pollworkers training did a great job with good quality workers and he hopes we are able to retain them for future use. Two voters claim to have registered with Department of Motor Vehicles and as the story goes, they did not receive their ballots. It was stated by the trainers at the pollworkers training class that this election is in your hands, he feels this is important because at this point pollworkers are important to the elections being that they work directly with the voter. Questions from a voter was presented to him in regards to whether or not a daughter could vote for a hospitalized mother, *Commissioner Gerard Gleason*, answer was no and a call was made into the help line, where the person receiving the call was not sure of the answer and caller was directed to Jerry Ashley and Nathtila who arranged for a ballot to be taken to the hospital. *Commissioner Gerard Gleason*, request that Hospital Ballots be a topic for discussion at a future meeting.

Commissioner Arnold Townsend, states that during the campaign he had several people to inquire information regarding Rank Choice Voting (RCV). In the past extensive training had been done to educate voters regarding Rank Choice Voting however new voters, who have reached the age of being a first time voter have not given information to educate them on

this method every few years. *Commissioner Arnold Townsend*, states that several community organizations commented how pleased they are with how knowledgeable and helpful that the Elections Department has been and wants Director John Arntz to be aware of this.

7. (a) Deleted, was final at last meeting

(b) **Discussion to hire Commission's Secretary** *President Joseph Phair*, has obtained approval to hire however the rank has been adjusted. *Vice President Winnie Yu*, says that she has received several applications from HRs link and once she has a sufficient number she and Commissioner Safont, will begin working together to make a determination. *Commissioner Rich Matthews*, ask how long this position would remain on the job posting? *Commissioner Rosabella Safont*, it will remain until the position has been filled.

8. New Business: *Commissioner Gerard Gleason*, Contingent with the election being certified Measure I (Saturday Voting) he is asking that it be added to the agenda. *President Joseph Phair*, ask the Director to notify once this has been certified we will hold over tentatively for December's or January's meeting.

Commissioner Rich Matthews, states that he has been contacted by Voting Systems Task Force, they would like give a presentation of things they would like to see implemented. *President Joseph Phair*, Agreed.

Deputy City Attorney Mollie Lee, recommends at the December's meeting there be a discussion to consider outside counsel, should there be any conflicting issues. Attorney lee states her recommendation is for the City of San Mateo's counsel to be used.

President Joseph Phair, request the Annual Report be discussed.

President Joseph Phair, in December we will be holding elections for all commissioners that desire a position of President or Vice President he encourages them to submit the necessary documents.

9. Meeting adjourned: 6:55

ELECTIONS COMMISSION
City and County of San Francisco



Joseph B. Phair, President
Winnie Yu, Vice President
Gerard Gleason
Richard P. Matthews
Rosabella Safont
Arnold Townsend

John Arntz
Director of Elections

Gail Hilliard
Commission Secretary

City and County of San Francisco
Election Commission
Agenda Room 408
December 15, 2010

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DEC 13 2010

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1. Call to order

2. Roll Call

3. Announcements

4. Approval of Minutes

Discussion and possible action to approve the Minutes for the November 17, 2010 Elections Commission Meeting:

5. Director's Report:

• Ballot Processing	• Canvass
• Budget/Personnel	• Poll Worker Division
• Campaign Services	• Technology Division
• Outreach	• Voter Services
• Publications	•

6. Commissioners Report:

- Meetings with Public Officials
- Oversight and Observation activities
- Long-range planning for Commission activities and areas of study
- Proposed legislation which impacts elections

7. Old Business:

- (a) Discussion and possible action to hire a Commission Secretary.
- (b) Discussion and possible action to adopt performance criteria and procedures for the use by the commission in performing the annual review of the Department of Elections Director.

8. New Business:

(a) Discussion and possible action regarding evaluation of the effectiveness of the Elections Plan for the November 2, 2010 General Election.

(b) Report of the Budget and oversight of Public Elections Committee

1. Discussion and possible action regarding San Francisco Proposition I (Saturday voting) from the November 2, 2010 General Election, including its implementation and its impact on the Department of Elections;

2. Discuss and possible action related to the period immediately following elections after a vacancy per San Francisco Charter section 13.101.5 (c) (2); and

3. Discussion and possible action related to Elections Commission duties related to potential drawing of district boundaries following the decennial census per San Francisco Charter section 13.11001w1nc

(c) Discussion and possible action to retain counsel to advise the Commission and the Department of Elections on matters that directly involve the election or campaign in the November 2011 municipal election for Mayor of the City and County of San Francisco, as described in the San Francisco City Attorney's August 27, 2010 memorandum titled *Legal Advice on Matters concerning the Mayor's Race*.

9. Discussion regarding items for future agendas

Meeting Adjourned:

Disability Access

The Elections Commission meeting will be held in Room 408, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call **(415) 923-6142** (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at **(415) 554-4386** (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at **(415) 554-6060** (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: **(415) 554-7724** (415) 554-7724; Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

Materials contained in the Commission packets for meetings are available for inspection at the Elections Department, City Hall Room 48, in the Commission's Public Binder, no later than 72 hours prior to meetings.

If any materials related to an item on this agenda have been distributed to the Elections Commission after distribution of the agenda packet, those materials are available for public inspection at the Elections Department, City Hall Room 48, in the Commission's Public Binder, during normal office hours. The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone **(415) 252-3100** (415) 252-3100, fax (415) 252-3112; web site at www.sfgov.org/ethics.



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1444 Secretary I
(Elections Commission Secretary)
Recruitment #PEX-1444-056969

Department: Department of Elections
Analyst: Lillian Chow
Date Opened: 11/8/2010 2:00:00 PM
Filing Deadline: Continuous
Salary: \$19.42 - \$23.58/hour
Job Type: Permanent Exempt
Employment Type: Part-Time

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- Types minutes of meetings from audio recordings of the meetings, and manages the edits suggested by Commissioners.
- Ensures documents are distributed to the Commissioners, the Director of Elections, and/or legal counsel, as needed; and maintains a public file for certain communications as required by relevant public meetings/open government laws and ordinances.
- Organizes Commission and Committee meetings, including: preparing the agendas with direction from the Commission president or committee chair; publishing the agendas in accordance with applicable laws; preparing and distributing meeting packets to Commissioners and principals, as well as having extra copies for the public; bringing materials to the meetings; ensuring the audio recording of the meetings, and, if necessary, posting notices of cancellations in accordance with applicable laws.
- Types a wide variety of letters, memoranda, reports and other materials from copy or verbal instructions; may compose routine correspondence in accordance with standard practice and policies.
- Screens office and telephone callers; personally assists those whose business does not warrant seeing the superior; screens incoming correspondence and routes accordingly; answers a wide variety of inquiries and explains office operations, policies and procedures.
- Maintains office files for correspondence and records; maintains manuals and updates resource

RECEIVED

**San Francisco Elections Commission (the Commission)
Department of Elections Director
2010 Performance Evaluation Criteria**

Elections:

1. Ensures free, fair and functional elections with no or only non-material errors, and deals effectively with anomalies;
2. Demonstrates an understanding of and effectively implements election laws, codes and deadlines;
3. Shows innovation and effectiveness in the elections process; and
4. Implements programs to effectively communicate with voters and educate them on election requirements, deadlines and procedures.

Communication:

1. Effectively communicates the Department of Elections' (DOE) mission, strategy, goals and other essential information to the Commission including, but not limited to duties specified in City Charter Section 13.104; and
2. Effectively interacts and cooperates with the Commission through timely and thorough providing of information; and
3. Implements the Commission's policies.

DOE Administration:

1. Builds and maintains an environment that fosters and contributes to the effective operation of the DOE including teamwork among DOE staff;
2. Effectively uses and manages DOE personnel; and
3. Demonstrates the ability to manage changing work conditions and problem situations quickly and effectively; and

Resources:

1. Effectively uses and manages DOE budget and resources.

SAN FRANCISCO
FILED

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The People of the City and County of San Francisco do hereby ordain as follows:

SECTION 1.

This Act shall be known and may be cited as the "Saturday Voting Act" (the "Act").

SECTION 2.

The San Francisco Municipal Elections Code is hereby amended to add a new Article VII which will read as follows:

Article VII: SATURDAY VOTING ACT

SECTION 700. PURPOSE AND INTENT.

- (a) San Francisco residents deserve a voting system which corresponds to the schedules and lifestyles of working families. Allowing voting on Saturday would encourage parents to involve their children in the democratic process and help teach children the importance of civic engagement at an early age.
- (b) San Francisco residents deserve an election schedule based on current housing and workplace patterns, transportation networks, and technological developments. When American civic leaders first decided over 150 years ago that elections should be held on a Tuesday, Americans lived in an agrarian society and most voters had to travel a great distance to the polls.
- (c) The United States is ranked 132nd out of 179 developed nations in voter turnout. In the 2008 Presidential election, the United States had its largest turnout in over 50 years, yet only 60 percent of eligible voters participated. Despite San Francisco's politically-involved and educated population, voter turnout averages approximately 46 percent, and some recent elections have seen turnout as low as 23 percent. Citizens have indicated that scheduling of the election is a major barrier to voting.
- (d) A national grassroots movement called "Why Tuesday?" has proposed moving election day from Tuesday to the weekend, and has introduced legislation to implement this change to Congress several times over the past decade, though this legislation has not yet been put up for a legislative vote.
- (e) This initiative would create a pilot program in connection with the November 2011 General Municipal Election in the City and County of San Francisco which would require the Department of Elections to open satellite locations for early voting at each of the approximately 400 polling places throughout the City and County on the Saturday prior to the Tuesday election.
- (f) This pilot program would use the same safeguards and voting system applied to Tuesday voting in order to have the Saturday voting experience replicate the voting experience currently in place.

- (g) The pilot program would be at no cost to the taxpayers. The initiative creates a "Saturday Voting Fund" to accept donations to cover the cost of operating the satellite voting locations, all of which would be publicly disclosed on the Department of Elections' website. The pilot program would not be required if the Saturday Voting Fund does not raise the sufficient funds to cover the costs of operating the satellite voting locations.
- (h) The purposes and intent of this initiative are: to increase voter turnout at elections held in the City and County; to make voting more accessible for today's working families; to provide a voting system that encourages parents to involve their children in the democratic process; to teach the importance of civic engagement at an early age; to increase access to the polls on a day when the majority of residents are not working; to serve as an example to the rest of the country that offering Saturday voting increases voter turnout; and to study the efficacy of continued Saturday voting.

SECTION 701. OPERATION OF SATELLITE VOTING LOCATIONS.

- (a) On the Saturday before the November 8, 2011 General Municipal Election, the Department of Elections shall operate a satellite location for early voting, as authorized by California Elections Code section 3018, at each polling place which will be utilized for election day voting on November 8, 2011.
- (b) The Department of Elections will not be required to operate satellite locations for early voting at each polling place which will be utilized for election day voting on November 8, 2011, if the Saturday Voting Fund does not contain sufficient funds to cover the costs of operating the satellite locations. The determination regarding whether the Saturday Voting Fund contains sufficient funds to cover the costs of operating the satellite locations will be made by the Controller.

SECTION 702. SATURDAY VOTING AT FUTURE ELECTIONS.

- (a) The Department of Elections shall prepare a study of the efficacy of Saturday voting, including the effect on voter turnout, impact on working families, and educational benefits, to be completed no later than February 1, 2012.
- (b) If this study shows that Saturday voting could further the intent and purposes of the Act, then the voters urge the Department of Elections, Elections Commission, Mayor, and Board of Supervisors to take all necessary steps to develop and fund Saturday voting for future elections in the City and County of San Francisco.

SECTION 3.

The San Francisco Administrative Code is hereby amended to add a new Section 10-100.371 which will read as follows:

SECTION 10.100-371. ESTABLISHMENT OF SATURDAY VOTING FUND.

8B(2)

- (a) **Establishment of Fund.** The Saturday Voting Fund is established as a category eight fund into which shall be deposited all donations, grants, gifts, and bequests for the purpose of operating satellite locations for early voting at polling places in the November 8, 2011 election. The acceptance of any gift of cash or goods into this fund shall not be subject to the approval process required by section 10.100-305.
- (b) **Use of Fund.** The monies received into the Saturday Voting Fund are hereby appropriated exclusively to pay the necessary expenses that the Department of Elections incurs in connection with the operation of the satellite locations for early voting at each polling place for the November 8, 2011 election as required by Municipal Elections Code section 701. Any monies remaining in the Fund after paying these necessary expenses shall be used exclusively to develop and fund Saturday voting for future elections.
- (c) **Administration of Fund.** The Director of the Department of Elections shall submit a written report of all receipts and expenditures of the Saturday Voting Fund to the Department of Elections, Elections Commission, the Mayor, the Controller, and the Board of Supervisors by February 1, 2012.
- (d) **Transparency.** The Department of Elections shall post the names of all donors and donation amounts to the Saturday Voting Fund on its website within 15 days of receipt.

SECTION 4.

This Act shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, or clause ("portion") of this Act is held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining portions of this Act. The voters hereby declare that this Act, and each portion, would have been adopted irrespective of the fact that any one or more portions of the Act are found invalid. If any portion of this Act is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Act which can be given effect.

This Act shall be broadly construed to achieve the purposes stated in this Act. It is the intent of the voters that the provisions of this Act be interpreted or implemented by the City and County, courts, and others in a manner that facilitates the purposes set forth herein.

SECTION 5.

This Act shall become effective upon approval by the voters of the City and County of San Francisco.

SAN FRANCISCO
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2010 MAR -1 PM 5:00
DEPARTMENT OF ELECTIONS

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

JON GIVNER
Deputy City Attorney

DIRECT DIAL: (415) 554-4694
E-MAIL: jon.givner@sfgov.org

March 9, 2010

TO ALL INTERESTED PARTIES:

Attached is the City Attorney's summary and title for a proposed local initiative measure. In preparing this title, the City Attorney makes no representation regarding the merits or legality of the proposed legislation. Nor does the City Attorney verify or confirm any factual or legal assertion made in the proposal. The title is presented as a "true and impartial statement of the purpose of the proposed measure." Elections Code § 9203.

Very truly yours,

DENNIS J. HERRERA
City Attorney

A handwritten signature in black ink, appearing to read "Jon Givner".

Jon Givner
Deputy City Attorney

SAN FRANCISCO
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2010 MAR -9 PM 3:13
DEPARTMENT OF ELECTIONS

ADDITIONAL VOTING AT POLLING PLACES ON SATURDAY

The City and County of San Francisco (the "City") holds municipal elections every year on the first Tuesday after the first Monday in November. The City will hold a municipal election on Tuesday, November 8, 2011, at which the voters will elect a Mayor, District Attorney and Sheriff. Local initiative, referendum or recall measures also could appear on the ballot at that election.

On Election Day, the City operates between approximately 400 and 561 polling places where registered voters can vote in person or return completed absentee (or vote-by-mail) ballots. The City also operates a polling place at San Francisco City Hall during the 29 days before Election Day. During those 29 days, registered voters can also submit absentee ballots by mail without going to any polling place.

The proposed measure would create the Saturday Voting Fund (the "Fund") to pay for the cost of operating polling places on the Saturday before the November 8, 2011 election. If the City's Controller determines there is enough money in the Fund to cover the cost of operating the polling places on Saturday, then the measure would require the City to open all polling places twice during that election – on Saturday, November 5, and on Tuesday, November 8.

The Fund could accept donations from individuals and organizations but would not be funded by the City. Money in the Fund could be used only for costs related to operating polling places on Saturday, November 5, 2011. Any money remaining in the fund after the November 2011 election could be used only for developing and funding the operation of polling places on Saturdays in future elections.

After the November 2011 election, the measure would require the City's Department of Elections to prepare a study of the effects of opening polling places on Saturday.

SAN FRANCISCO
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2010 MAR -9 PM 3:13
DEPARTMENT OF ELECTIONS



DENNIS J. HERRERA
City Attorney

DIRECT DIAL: (415) 554-4748
E-MAIL: tara.collins@sfgov.org

MEMORANDUM

TO: MAYOR GAVIN NEWSOM
MEMBERS, San Francisco Board of Supervisors
MEMBERS, San Francisco Elections Commission
MEMBERS, San Francisco Ethics Commission
ANGELA CALVILLO, Clerk of the Board of Supervisors
JOHN ARNTZ, Director of Elections
JOHN ST. CROIX, Executive Director, Ethics Commission

FROM: DENNIS J. HERRERA *DJH*
City Attorney

DATE: August 27, 2010

RE: Legal Advice on Matters Concerning the Mayor's Race

Yesterday I took the first steps to raise funds as a possible candidate for the Mayor of San Francisco. During the campaign, I will continue to serve as the City Attorney for the City and County of San Francisco. This memorandum explains the City Attorney's Office's policies regarding representation of the City during the Mayor's race. Following a short period of administrative transition, the policies described in this memorandum will apply during the period (the "Campaign Period") beginning September 10, 2010 and ending at the conclusion of the campaign, which I anticipate will be the day the Board of Supervisors (the "Board") declares the results of the November 8, 2011 election.

Summary

Under the San Francisco Charter, the City Attorney's Office provides a range of legal advice and representation to the City's officers, departments, boards and commissions, including advice regarding elections and campaign finance. Due to my decision to be a candidate in the Mayor's race, I intend to limit involvement of the City Attorney's Office and not personally participate in legal advice about matters related to elections and campaign requirements during the Campaign Period. To avoid even the appearance of any conflicts of interest, the City Attorney's Office has implemented the following protocols.

First, when a legal question directly involves the election or campaign for Mayor, the City Attorney's Office will not handle the matter. Instead, the City will retain outside counsel for advice and assistance, preferably from other public law offices. The City Attorney's Office has already made preliminary arrangements with three local public law offices to advise City departments about the limited range of issues directly involving the election and campaign for Mayor. This arrangement is consistent with past practices; my Office has a standing reciprocal agreement with other local law offices to provide legal support at no cost in situations like this.

Second, when a legal question involves elections or campaigns but does not directly involve the election or campaign for Mayor, the City Attorney's Office will handle the matter, but I will not participate in the matter during the Campaign Period. Within the next week, the Office will establish a screen so that I will not be involved in any legal advice regarding the

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RE: Legal Advice on Matters Concerning the Mayor's Race

November 2011 election or campaigns, nor for that matter will I be involved in any legal advice about the upcoming November 2010 election or campaigns.

Third, for all other matters, the City Attorney's Office will continue to represent the City with my full involvement. Except in the two circumstances described above, I will remain actively involved in decisions regarding litigation, legislation, contracts, legal advice, investigations and claims.

Discussion

I. The Role of the City Attorney

As described in Charter section 6.102, the City Attorney is the legal counsel for the City. In that capacity, the City Attorney oversees an Office that represents the City, including its officers and employees, in litigation; drafts and approves legislation and contracts; and provides legal advice to the City and its commissions, officers and employees. See S.F. Charter § 6.102. The Office regularly advises the Department of Elections, the Elections Commission, the Ethics Commission, the Board and the Mayor's Office, each of which plays a role in funding, oversight and administration of local elections. The City Attorney's Office regularly advises those agencies on a range of matters, some that are specific to elections or campaigns and others that relate to general administrative matters that all City departments face. The general administrative advice includes legal advice about notice and agenda requirements for public meetings, responses to public records requests, the City's contracting process, contract administration, personnel issues, and other similar sorts of matters.

The Office's advice and representation on election- and campaign-related matters varies depending on the circumstances, and typically include the following:

- *Department of Elections and Elections Commission:* The Office provides advice regarding federal, state and local elections laws; represents the City in election-related litigation; and assists in drafting materials for publication in the Voter Information Pamphlet.
- *Ethics Commission:* The Office advises on the application and interpretation of local and state laws regarding campaign finance regulation, and drafts ordinances and regulations governing campaign finance and campaign conduct. In administrative enforcement proceedings alleging violations of campaign laws, the Office provides advice to the Commission and its staff. The Office also represents the City in litigation regarding campaign finance matters.
- *Board of Supervisors and Mayor:* The Office drafts legislation and advises on legal issues raised by proposed legislation regarding campaigns and elections, including amendments to the City Charter, the City's Campaign Finance Reform Ordinance ("CFRO") and the City's Municipal Elections Code ("MEC"). The Board has the authority to place measures on the ballot, and this Office usually drafts or approves those measures as to form and advises the Board and the Mayor regarding that process. Also, the Mayor or four or more individual members of the Board may submit a policy measure or ordinance to the voters, and this Office sometimes drafts those measures and advises the Mayor and Board about them, though we do not approve them as to form. This Office also provides advice on budgetary matters relation to the adoption of the budget and the City's funding of the Department of Elections and Elections Commission and the Ethics Commission.

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- *City Attorney's Office:* In addition to its role advising and representing City departments, the City Attorney's Office also has independent obligations regarding certain matters impacting elections and campaigns. For instance, the City Attorney drafts a title and summary for each proposed local measure circulated in an initiative petition (Cal. Elec. Code § 9203); prepares the ballot question for most local measures that appear on the City ballot (MEC § 510); reviews proposed formal opinions from the Ethics Commission and determines whether to concur in their conclusions (S.F. Charter § C3.699-12); and determines whether to investigate and prosecute complaints of campaign finance violations (S.F. Charter § C3.699-13(a); CFRO § 1.170(b)).

II. The City Attorney's Office and the 2011 Election

As City Attorney, I am responsible for ensuring that every City officer, department, board and commission receives the highest quality legal representation, and my mayoral candidacy will not interfere with that goal. During the Campaign Period, I will take the following steps to ensure that the City continues to receive that highest quality legal representation and to avoid even the possible appearance of conflicts of interest.

A. Matters That Directly Involve the Mayoral Election or Campaign.

During the Campaign Period, the City Attorney's Office will not handle legal questions that directly involve the mayoral election or campaign. As section IV of this memorandum explains further, the affected departments should select outside counsel in advance to advise or represent them in those matters, consistent with past practices.

The following examples illustrate when an affected department should rely on outside counsel. These examples, and each of the examples listed in the remaining sections of this memorandum, are for illustration purposes only, and are not intended as an exhaustive list of possible issues.

Example 1 – Election questions regarding Mayoral candidates. The Department of Elections has a legal question concerning the ballot designation, candidate qualification statement, nomination documents or electioneering activities of a candidate for Mayor. Because this question pertains specifically to the election or campaign for Mayor, the City Attorney's Office will not handle the matter.

Example 2 – Campaign finance questions regarding Mayoral candidates. The Ethics Commission has a legal question regarding the application of campaign finance laws to a particular candidate for Mayor, such as: (a) whether the candidate qualifies for the City's partial public financing program; (b) whether a particular mailer supports or opposes the candidate, potentially increasing the candidate's spending limit; (c) whether a political expenditure was independent or was coordinated with the candidate's campaign; or (d) whether the candidate used public funds for a lawful purpose. Because these questions pertain specifically to the election or campaign for Mayor, the City Attorney's Office will not handle the matters.

Example 3 – Complaints filed with Ethics Commission alleging violations in the mayoral campaign. The Ethics Commission receives a complaint alleging a violation of the local campaign finance laws by a candidate for Mayor or by a committee supporting or opposing a candidate for Mayor. The Commission's staff seeks legal advice regarding how to prosecute the complaint. Because these questions pertain specifically to the election or campaign for Mayor, the City Attorney's Office will not handle the matter.

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For these matters where the City Attorney's Office will not be providing legal advice, outside counsel will handle the matter during the Campaign Period. In each such instance, the outside counsel may contact the City Attorney's Office to inquire whether this Office has any existing materials, such as previously-issued memoranda or research files, that could be relevant to the issue at hand. Neither outside counsel nor my staff will involve me in any of these informational inquiries and exchanges.

Also, if any such matter is still pending after the Campaign Period ends, this Office will re-evaluate whether use of outside counsel is still needed. That determination will depend on whether the acts alleged in the complaint involved or affected my campaign.

B. Matters Involving Elections or Campaign Conduct That Do Not Directly Involve the Mayoral Election or Campaign.

When a legal question does not *directly* involve the election or campaign for Mayor, use of outside counsel is not necessary. In those circumstances, the affected City department will consult as usual with the City Attorney's Office. But to avoid even an appearance of a conflict of interest, I will not participate in matters involving elections or campaigns during the Campaign Period. The City Attorney's Office will adopt a screen, memorialized in writing, so that the deputies handling general election and campaign matters regarding the November 2010 and 2011 elections do not communicate with me about these matters. The screen will also apply to the Office's Managing Attorney, Marisa Moret. Chief Assistant Jesse Smith will supervise the deputies handling the matters and will have final authority for the Office's decisions.

The following examples illustrate when the Office will screen me from participating in advice about elections or campaign conduct during the Campaign Period:

Example 1 – Election law questions. The Department of Elections has legal questions concerning (a) the qualifications, nomination documents or electioneering activities of a candidate for another City office, (b) the process for qualifying, withdrawing or resubmitting ballot measures, or (c) operational issues such as certification of the City's voting system, operation of satellite voting locations for early voting, or implementation of laws regarding voter registration. These questions do not pertain specifically to the election or campaign for Mayor, so the City Attorney's Office will handle the matters without my participation during the Campaign Period.

Example 2 – Campaign finance questions. The Ethics Commission has a legal question about interpretation of campaign finance laws like the City's contribution limits or disclosure rules, or about the effect of a pending appeals court case on the City's public financing system. The question is not related to any particular candidate or race. This question does not pertain specifically to the election or campaign for Mayor, so the City Attorney's Office will handle it without my participation during the Campaign Period.

Example 3 – Tasks related to ballot measures. The City Attorney's Office is responsible for preparing the title and summary for proposed ballot measures and for preparing ballot questions for measures that have qualified for the ballot. A designee of the City Attorney's Office also sits as an *ex officio* member of the Ballot Simplification Committee and prepares an initial draft digest for each measure that the Committee considers. These tasks do not pertain specifically to the election or campaign for Mayor, so the City Attorney's Office will handle them without my participation during the Campaign Period.

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Example 4 – Litigation regarding elections or campaign finance. A lawsuit is filed against the City challenging the City's voting system, ballot materials, or the application of the City's campaign finance laws. The litigation does not specifically pertain to the election or campaign for Mayor, so the City Attorney's Office will handle it without my participation during the Campaign Period.

Example 5 – Elections or campaign finance legislation. The Board or the Mayor seeks assistance drafting legislation to amend the Charter, the CFRO, or the MEC in a way that would affect local campaigns or elections, or seeks legal advice about such legislation while it is pending. Or, similarly, the Ethics Commission seeks assistance drafting regulations to interpret the CFRO. These questions do not pertain specifically to the election or campaign for Mayor, so the City Attorney's Office will handle them without my participation during the Campaign Period.

Example 6 – General advice to Department of Elections, Elections Commission and Ethics Commission. The Department of Elections, Elections Commission or Ethics Commission has a legal question concerning one of the general laws that govern all City agencies, such as a law governing public meetings, public records, contracting, or personnel. In most circumstances, because this advice could impact the City departments responsible for oversight of local elections and campaigns, the City Attorney's Office will handle it without my participation during the Campaign Period.

C. Matters That Do Not Involve Elections or Campaign Finance

Most of this Office's legal work is unrelated to our advice regarding elections and campaigns. When a legal question does not involve the November 2010 or November 2011 election or campaign and election issues in those years, the affected City departments will consult as usual with the City Attorney's Office. I will continue my involvement and remain the final decision-maker for the Office. For example, for all such matters, the Office will continue to draft legislation and approve it as to form, provide legal opinions upon request, represent boards and commissions in public meetings, represent the City in litigation, and provide advice to officers, departments, boards and commissions on a wide variety of matters. The following examples illustrate the type of matter that the Office will handle without any screen.

Example 1 – Legislation. A member of the Board requests that the City Attorney's Office draft legislation on a matter unrelated to elections or campaign finance. The legislation will address a controversial topic that could be a matter of policy debate in the campaign for Mayor. Because the legislation does not involve elections or campaign conduct, the City Attorney's Office will handle the matter with my involvement. This approach is consistent with past practice in campaigns where my predecessors or I ran for re-election as City Attorney. Though a sitting City Attorney may state personal policy positions during a campaign, those positions do not interfere with the City Attorney's Charter role in approving legislation or my professional responsibilities as City Attorney.

Example 2 – Litigation. A lawsuit is filed against the City, or my Office files a lawsuit, on a matter unrelated to elections or campaign finance. The litigation will address a controversial topic and I may refer to it in the course of my campaign. Because the litigation does not involve elections or campaign conduct, the City Attorney's Office will handle the matter with my involvement.

Example 3 – Redistricting. Following the publication of the 2010 Census, the Department of Elections or the Elections Task Force seeks legal advice regarding the apportionment of Supervisorial districts. Because this advice will not affect elections or

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campaigns in November 2010 or November 2011, I will continue to be in charge of the City Attorney's Office's handling of the matter.

Example 4 – Post-election determinations regarding conflicting measures. The voters adopt two measures in a single election addressing the same subject matter. The City Attorney's Office must review the two measures to determine which provisions of the two measures conflict, if any, and how they should be codified. Because this task involves statutory interpretation rather than elections or campaign conduct, the City Attorney's Office will handle the matter with my involvement.

Example 5 – General advice to City departments. A City department that does not regulate campaigns or elections has a legal question a law governing public meetings, public records, contracting, or personnel. Because this advice does not involve elections or campaign conduct, the City Attorney's Office will handle the matter with my involvement.

III. Determination to Use Outside Counsel or to Screen the City Attorney from Participation

It may not always be clear which of the categories described above applies to a particular legal question. During the Campaign Period, the determination about whether a particular matter should be referred to outside counsel, handled by the City Attorney's Office without my participation, or handled by the City Attorney's Office under my supervision will depend on the facts and circumstances of the situation. Chief Assistant Jesse Smith, or any deputy city attorney designated by him for particular matters, will be responsible for making these determinations, in consultation with the department seeking the advice or representation and the City Attorney's Office's Ethics and Elections Team.

IV. Hiring Outside Counsel

As I mentioned above in this memorandum, it is likely that the Ethics Commission, and possibly the Department of Elections or Elections Commission, will require outside counsel. From time to time, our Office calls on other public law offices to serve as outside counsel in particular matters. In return, my Office has occasionally acted as outside counsel for other localities when their in-house attorneys were unavailable. This arrangement has proven effective in ensuring that the City receives high quality legal advice with a minimal expenditure of City resources. We have utilized this arrangement in past elections with success. For example, in 2009, the Department of Elections and the Elections Commission retained the Santa Clara County Counsel's Office to advise them about legal matters directly affecting the City Attorney's election when I was the incumbent candidate. I recommend taking the same approach during the Campaign Period.

My Office already has contacted the Oakland City Attorney, Santa Clara County Counsel, and San Mateo County Counsel, and all three offices have offered to serve as the City's outside counsel on the issues discussed in section II(A) of this memorandum. These agencies will not charge the City for their time. Because of their expertise and the cost savings, I encourage each of the affected departments to retain one of these agencies as their outside counsel. My Office will work closely with you to facilitate those arrangements. The Ethics Commission and the Department of Elections and Elections Commission finalize these arrangements as soon as possible to ensure that the City receives timely advice from qualified counsel when the need arises.

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RE: Legal Advice on Matters Concerning the Mayor's Race

If any department chooses to seek outside counsel other than from the public law offices listed above, the department should be guided by the Charter sections that set criteria for outside counsel when the City Attorney has a conflict of interest. Those sections require the City to "give preference to engaging the services of a City attorney's office, a County counsel's office or other public entity law office with an expertise" regarding the subject matter of the representation. S.F. Charter §§ 6.102(1), 13.104.5. When private counsel is necessary, the attorney retained by the City "must be a member in good standing with the Bar of California" and must have "at least five years experience" in the subject matter of the representation. *Id.* The cost of outside counsel must be covered by the budget of the department requesting the legal advice or representation. *Id.* Charter section 13.104.5, which addresses the use of outside counsel by the Elections Commission and the Department of Elections when the City Attorney is standing for election, also provides that the outside counsel must comply with specific conflict of interest rules designed to minimize the risk of political influence. I recommend that any outside counsel retained to advise the City on matters directly involving the election or campaign for Mayor should comply with the same rules.

I am making every effort to ensure that the City receives the best possible legal representation during this period. If you have any questions about the policies set forth in this memorandum, feel free to contact me, or Jesse Smith or the general counsel assigned to work with your department.

8C 7

City and County of San Francisco

Elections Commission

Agenda Room 408

December 15, 2010

Draft

GOVERNMENT
DOCUMENTS DEPT

FEB 14 2011

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PUBLIC LIBRARY

1. Call to order 6:12

2. Roll Call Present President Joseph Phair, Vice President Winnie Yu, Commissioner Gerard Gleason, Commissioner Rosabella Safont, Commissioner Richard Matthews, Excused Commissioner Arnold Townsend. **Present also** Deputy City Attorney Mollie Lee and Director John Arntz

3. Announcements None

4. Approval of Minutes

5/10 Roll call vote was unanimous to approve the Minutes

5. Directors Report

Ballot Processing Certified as of 11/24/2010 the board has already declared and waiting for Mayor's signature.

Budget/Personnel Currently preparing budget for the next physical year, the draft is near completion and ready for the Mayor's signature.

Campaign Services In the process of reviewing the experiences with the front counter, phone bank and public services.

Outreach reviewing all of their activities for both June and November and compiling the information. Currently the Outreach is attending Naturalization Ceremonies held in Oakland.

Publications in the review phase exploring best ways for time and cost savings, working with Technology Division to obtain a means of getting the data base to where we can populate fields more quickly and efficiently.

Canvass is completed

Poll Workers Division further their development of accessibilities with updating profile pages and expanding the website, more than 800 poll workers accessed this site to obtain information.

Technology Division working with publications division to provide the best information to the data base to enhance the voter guide.

Voter Services doing the post elections file maintenance any changes and cancellations, going through the roster to assure that voters are aware of changes. Preparing for retention of VBM applications, registration cards and mailing registration cards to provisional voters that may not have been registered, *President Joseph Phair* asked for clarification regarding, his mentioning of three to four elections for next year. *Director John Arntz* clarifies by saying in 2011 the Mayors race, California primaries and in 2012 the Presidential he goes to say there is a strong possibility of Special Elections being held in 2012, making it five elections.

6. Commissioners Report *President Joseph Phair* said that he has made two contacts with the Board of Education regarding the Commission vacancy and received an e-mail from the board's secretary informing him that the board is aware of this issue and is working on it.

7. Old Business

(a) Discussion and possible action to hire a Commission Secretary. *Commissioner Rosabella Safont* states Commissioner Winnie Yu has already received some 38 resumes and nearly 100 more applications have been received by Human Resources. *Commissioner Richard Matthews* asked what is the current status and if there is a time frame. *Commissioner Rosabella Safont*, said she has eliminated applicants that don't have the skills for the job and she continues to examine applications. *Deputy City Attorney Mollie Lee* suggested that only one person be delegated for this job, otherwise it becomes a committee, she stated that one person should handle the job and if they need assistance they can call upon another Commissioner to assist. Motion:

Moved and Seconded:

It was asked that Commissioner Safont be appointed to conduct the review and if assistance is needed she can request one of the other Commissioners to assist her.

Moved and seconded

Roll call vote was unanimous to approve

(b) Discussion and possible action to adopt performance criteria and procedures for the use of the commissioner in performing the annual review of the Department of Elections Director.

President Phair stated that as recounted in an e-mail previously sent to all Commissioners, he has spoken to counsel and was advised by the Department of Human Resources that the Commission should adopt criteria for the Director's review rather than have each Commissioner use his or her own criteria. Accordingly, he has drafted combined criteria taken from

suggestions received from the Commissioners. Attachment "A" is the proposed criteria to be used for this year's performance evaluation of the Director. The performance evaluation will be performed in closed session at the Commission's January 19, 2011 meeting. The Director will perform his own self assessment. *Director Arntz* asked if he should use the goals he adopted for himself in performing his self assessment. President Phair confirmed that he should do that. The Commission is urged to adopt a criteria and performance goals early in calendar year 2011 to provide for a more efficient performance evaluation process. Motion:

Moved and seconded:

That the criteria to be used by the Commission in evaluating the performance of the Department of Elections Director (the Director) shall be as set forth in Attachment "A"; that each Commissioner shall submit his or her evaluation comments regarding the Director to the Commission Secretary and the Commission's President no later than January 10, 2011 for confidential distribution to the Commissioners for their review prior to the Commission's January 19, 2011 meeting; and that the Director shall submit his self assessment, goals of performance and performance against such goals for the calendar year 2010, to the Commission Secretary and the Commission's President no later than January 10, 2011 for confidential distribution to the Commissioners for their review prior to the Commission's January 19, 2011 meeting.

Roll call vote was unanimous to approve

8. New Business

(a) Discussion and possible action regarding the evaluation of the effectiveness of the Elections Plan for the November 2, 2010 General Election. Motion:

Moved and Seconded:

That the Department of Elections was in substantial compliance with the Election Plan for the November 2, 2010 General Election.

Roll call vote was unanimous to approve

(b) Report of the Budget and Oversight of Public Elections Committee. Commissioner Matthews reported on the BOPEC meeting held December 1, 2010.

1. Commissioner Matthews reported that BOPEC discussed Proposition I, which approved opening polling places and conducting voting on the Saturday prior to the November 8, 2011 election if certain conditions are met. Commissioner Matthews raised the issue to suggest that the Department and the Commission create a calendar soon by which the actual budget for such a process would be finalized and thus the threshold for private fundraising is set. He pointed out

that the deadline for fundraising should be as soon as practical, as the Department needs to know whether to plan such a procedure, how to manage the statutory implications of machine usage at polling places before election day, resetting all 900 machines on the Sunday and Monday between Saturday voting and Election Tuesday, and so on.

Deputy City Attorney Mollie Lee pointed out that the Comptroller determines whether the donated funds will be sufficient to cover the costs of Saturday voting.

2. Commissioner Matthews reported that BOPEC discussed San Francisco Charter section 13.101.5 (c) (2), which governs how to fill vacancies of the principal city/country offices. A question was raised about the strict interpretation of the charter section, as we have two vacancies whose offices will be on the November 8, 2011 ballot. Deputy City Attorney Lee advised the Commission that appointees to this type of vacancy serves the remainder of the unexpired term, and the person who is elected at the regularly scheduled election assumes office at the regularly scheduled time in January. She said that this analysis is consistent with the City's past practice.

3. Commissioner Matthews reported that BOPEC discussed the potential redrawing of district boundaries. The Charter states that after every decennial census, the Director shall determine whether there is a defined shift in the population; if so, this will trigger the process to have boundaries redrawn and the establishment of a redistricting task force. The Elections Commission makes three appointments to that task force. Director Arntz said that U.S. census data should be coming to cities and counties in early April. The director said that the redistricting should be done by August 1st so the Department can redraw the precinct lines if necessary. Director John Arntz stated that he had previously drafted a memo on this and has all the information already available and will forward to the commissioners this week.

(c) Discussion and possible action to retain counsel to advise the Commission and Department of Elections on matters that directly involve the election or campaign in the November 2011 municipal election for Mayor of the City and County of San Francisco as described in the San Francisco City Attorney's August 27, 2010 memorandum titled Legal Advice on Matters concerning the Mayor's Race. Copies of information proposed regarding proposed counsel is attached to the agenda. Attorney Lee has identified Brenda Carlson as the outside counsel for Department of Elections and the Elections Commission with regards to Deputy County Counsel for the County of San Mateo and she has confirmed her willingness to serve as outside counsel for Department of Elections and the Elections Commission with regards to Legal issues that directly involve November's 2011 Elections or Campaign for Mayor for the City of San Francisco, any interested parties regarding attorney Carlson are directed to Deputy City Attorney Lee for additional information. Motion:

Moved and Seconded:

Motion: That the San Francisco Elections Commission select the San Mateo County Counsel's Office to advise the Commission and the San Francisco Department of Elections on matters that directly involve the election or campaign in the November 2011 municipal election for Mayor of the City and County of San Francisco, as described in the San Francisco City Attorney's August 27, 2010 memorandum titled: *Legal Advice on Matters Concerning the Mayors Race*

Roll call vote was unanimous to approve

9. Discussion regarding items for future agendas

(a) Motor Voter Registration

(b) Hospital Voters issues

Meeting Adjourned 6:58

